

# Domestic Animals Regulations 2015

S.R. No. 136/2015

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STATUTORY RULES 2015

S.R. No. 136/2015

*Domestic Animals Act 1994*

**Domestic Animals Regulations 2015**

The Governor in Council makes the following Regulations:

Dated: 24 November 2015

Responsible Minister:

JAALA PULFORD  
Minister for Agriculture

ANDREW ROBINSON  
Clerk of the Executive Council

**Part 1—Preliminary**

**1 Objective**

The objective of these Regulations is to prescribe—

- (a) requirements for dangerous and restricted breed dogs; and
- (b) matters relating to the permanent identification of prescribed animals; and
- (c) matters relating to applying for an animal registry licence; and
- (d) matters relating to the provision of an animal registry service; and
- (e) a scheme for dog obedience training for the purpose of obtaining a reduced registration fee; and

- (f) infringement penalties and offences; and
- (g) other matters for the purposes of the **Domestic Animals Act 1994**.

## **2 Authorising provision**

These Regulations are made under section 100 of the **Domestic Animals Act 1994**.

## **3 Commencement**

These Regulations come into operation on 26 November 2015.

## **4 Revocation**

The Regulations listed in Schedule 1 are **revoked**.

## **5 Definitions**

In these Regulations—

**AS 5018-2001** means AS 5018-2001 Electronic animal identification—National coding scheme as published from time to time;

**AS 5019-2001** means AS 5019-2001 Electronic animal identification—Radiofrequency methods as published from time to time;

**prescribed animal** means an animal of a prescribed class of animal;

**the Act** means the **Domestic Animals Act 1994**;

**reader** means an instrument—

- (a) used to scan a permanent identification device whether or not it is implanted in a prescribed animal; and
  - (b) that is capable of detecting and decoding the received information from a permanent identification device—
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Part 1—Preliminary

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- (i) that complies with the requirements in AS 5019-2001 that a transponder must meet in order to conform to that standard; and
- (ii) that contains a unique identification number that complies with the requirements in AS 5018-2001 for a unique identification code transmitted from a transponder; and
- (c) that is capable of detecting and decoding the received information from a permanent identification device.

## **Part 2—Requirements for dangerous dogs and restricted breed dogs**

### **6 Perimeter fencing for dangerous dog guarding non-residential premises**

- (1) For the purpose of section 38(2)(a) of the Act, the requirements for perimeter fencing for a dangerous dog guarding non-residential premises are that—
    - (a) the fence has a minimum height of 1·8 m;  
and
    - (b) the fence is constructed of—
      - (i) brick, concrete, timber, iron or similar solid materials; or
      - (ii) mesh that complies with subregulation (2); or
      - (iii) any combination of those materials referred to in subparagraphs (i) and (ii);  
and
    - (c) if the fencing contains gates, the gates are kept locked when the dog is guarding the premises; and
    - (d) the fence is constructed and maintained in a manner which prevents the dog from being able to dig or otherwise escape under, over or through the fencing; and
    - (e) if directed by an authorised officer under subregulation (3), the fence has an inward-facing overhang of 0·7 m angled at 35 degrees to the horizontal plane.
  - (2) Mesh used in the construction of perimeter fencing under this regulation must be—
    - (a) chain mesh manufactured from 3·15 mm wire to form a uniform 50 mm mesh; or
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- (b) weldmesh manufactured from 4 mm wire with a maximum mesh spacing of 50 mm.
- (3) An authorised officer may direct an owner of a non-residential premises where a dangerous dog is kept to ensure that the perimeter fencing of the premises has an inward-facing overhang of 0.7 m angled at 35 degrees to the horizontal plane, if the officer reasonably believes that the dog has previously escaped over the perimeter of the property.

**7 Enclosures for dangerous dogs and restricted breed dogs**

- (1) For the purposes of section 38(3)(c) of the Act, an enclosure complies with the regulations if it—
    - (a) has a minimum height and width of 1.8 m; and
    - (b) has a minimum area of 10 m<sup>2</sup> for every such dog kept at the owner's premises; and
    - (c) provides a weatherproof sleeping area sufficient for all dogs in the enclosure.
  - (2) In the case of a dangerous dog, the enclosure must, in addition to the requirements of subregulation (1)—
    - (a) be fully enclosed; and
    - (b) have walls that are—
      - (i) fixed to the floor; and
      - (ii) constructed to be no more than 50 mm from the floor; and
    - (c) have walls, a roof and a gate that are constructed of—
      - (i) brick, timber, iron or similar solid materials; or
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- (ii) mesh that complies with subregulation (4); or
    - (iii) any combination of those materials referred to in subparagraphs (i) and (ii); and
  - (d) have a floor that is—
    - (i) constructed of concrete; and
    - (ii) graded to fall to a drain for the removal of effluent; and
  - (e) have a gate that—
    - (i) has a lock that enables the enclosure to be securely locked when the dog is in the enclosure; and
    - (ii) is kept locked when the dog is in the enclosure.
- (3) In the case of a restricted breed dog, the enclosure must, in addition to the requirements of subregulation (1)—
- (a) if the owner of the dog is directed by an authorised officer under subregulation (5), have a perimeter with an inward-facing overhang of 0.7 m angled at 35 degrees to the horizontal plane; and
  - (b) be constructed of—
    - (i) brick, concrete, timber, iron or similar solid materials; or
    - (ii) mesh that complies with subregulation (4); or
    - (iii) any combination of those materials referred to in subparagraphs (i) and (ii); and
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Part 2—Requirements for dangerous dogs and restricted breed dogs

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- (c) be constructed and maintained in a manner which prevents the dog from being able to dig or otherwise escape under, over or through the perimeter of the enclosure; and
  - (d) be designed to prevent children from climbing into the enclosure; and
  - (e) if the enclosure contains gates, each gate must—
    - (i) contain a self-closing and self-latching mechanism that enables the enclosure to be securely locked when the dog is in the enclosure; and
    - (ii) be kept locked when the dog is in the enclosure; and
    - (iii) not be situated on premises in such a manner that people are required to pass through the enclosure.
- (4) Mesh used in the construction of an enclosure must be—
- (a) chain mesh manufactured from 3.15 mm wire to form a uniform 50 mm mesh; or
  - (b) weldmesh manufactured from 4 mm wire with a maximum mesh spacing of 50 mm.
- (5) An authorised officer may direct an owner of a premises where a restricted breed dog is housed in an enclosure to ensure that the perimeter of the enclosure has an inward-facing overhang of 0.7 m angled at 35 degrees to the horizontal plane, if the officer reasonably believes that the dog has previously escaped over the perimeter of the enclosure.
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## **8 Dangerous dog warning sign**

- (1) For the purposes of section 39 of the Act, a warning sign that complies with these Regulations is one that—
  - (a) is in the shape of a square with sides that are 40 cm in length; and
  - (b) is made of a durable metal; and
  - (c) is similar to the sign illustrated, coloured and set out in Schedule 2; and
  - (d) contains at least one colour that reflects light in the dark.
- (2) A person must not display on any premises, other than a premises where a dangerous dog is kept, a sign that resembles the sign set out in Schedule 2.

Penalty: 2 penalty units.

## **9 Collars for dangerous dogs and restricted breed dogs**

- (1) For the purposes of sections 40 and 41HA of the Act, a collar is of the prescribed kind if—
  - (a) it consists of red stripes alternately spaced with yellow stripes each being of a width of not less than 20 mm and not more than 30 mm and set diagonal to the rim of the collar; and
  - (b) at least one of the two colours reflects light in the dark; and
  - (c) it is made of durable materials; and
  - (d) it is able to be securely fastened; and
  - (e) it has a facility to attach a leash; and

- (f) it has a minimum width of—
  - (i) 25 mm for a dog weighing not more than 40 kg; or
  - (ii) 50 mm for a dog weighing more than 40 kg.
- (2) An owner of a dog must not put on a dog, other than a dangerous dog or a restricted breed dog, a collar resembling the collar prescribed by subregulation (1).

Penalty: 2 penalty units

#### **10 Warning sign for restricted breed dog**

- (1) For the purposes of section 41H of the Act, a warning sign that complies with these Regulations is one that—
  - (a) is in the shape of a rectangle with a height of 10 cm and a width of 30 cm; and
  - (b) is made of durable material; and
  - (c) is similar to the sign illustrated, coloured and set out in Schedule 3; and
  - (d) contains at least one colour that reflects light in the dark.
- (2) A person must not display on any premises, other than a premises where a restricted breed dog is kept, a sign that resembles the sign set out in Schedule 3.

Penalty: 2 penalty units.

## **Part 3—Permanent identification of prescribed animals**

### **Division 1—General**

#### **11 Definition of licence holder**

In this Part, *licence holder* means the holder of an animal registry licence.

#### **12 Prescribed identifying information**

For the purposes of the definition of *prescribed identifying information* in section 3(1) of the Act, the following information is prescribed—

- (a) in relation to a prescribed animal implanted with a permanent identification device—
    - (i) the species and breed of the animal;
    - (ii) the date of birth or age of the animal;
    - (iii) the colour of the animal;
    - (iv) the sex of the animal;
    - (v) the reproductive status of the animal;
    - (vi) the address at which the animal is or is to be kept;
    - (vii) the name of the municipal district at which the animal is or is to be kept;
    - (viii) if the animal is a dog, whether that dog is a dangerous dog, a menacing dog or a dog that has been declared to be a restricted breed dog under the Act;
    - (ix) the unique identification number of the permanent identification device implanted in the animal;
    - (x) the identification number of any other permanent identification device previously implanted in the animal;
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- (xi) the name and business address of the person who implanted the permanent identification device referred to in subparagraph (ix) and the date the device was implanted;
- (b) in relation to an owner of an animal referred to in paragraph (a)—
  - (i) the owner's title, given names and surname;
  - (ii) the owner's residential address and (if different) postal address;
  - (iii) the owner's telephone number;
  - (iv) the name and telephone number of a person (other than the owner) who can be contacted in relation to the animal.

**13 Prescribed manner of permanently identifying hounds registered with the Game Management Authority**

For the purposes of section 10C(1)(a) of the Act, the prescribed manner of enabling identification of a hound registered with or taken to be registered with the Game Management Authority under the Wildlife (Game) Regulations 2012 is implantation with a prescribed permanent identification device.

**14 Prescribed permanent identification device**

For the purposes of the definition of *permanent identification device* in section 3(1) of the Act, the following classes of permanent identification device are prescribed—

Part 3—Permanent identification of prescribed animals

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- (a) a prescribed permanent identification device that—
    - (i) is designed to transmit stored information when activated by a reader; and
    - (ii) complies with the requirements in AS 5019-2001 that a transponder must meet in order to conform to that standard; and
    - (iii) contains a unique identification number—
      - (A) that complies with the requirements in AS 5018-2001 for a unique identification code transmitted by a transponder; and
      - (B) the first 3 digits of which are the code allocated to the manufacturer of the device by the International Committee for Animal Recording;
  - (b) in the case of a prescribed animal that is the subject of a written agreement for sale to a person who intends to keep the animal in another country, a prescribed permanent identification device that—
    - (i) complies with the laws of that country relating to the permanent identification of that class of animal; and
    - (ii) is to be sold or supplied for implantation into that animal or is implanted in that animal.
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**15 Prescribed information to be provided to licence holders**

- (1) For the purposes of section 63I(1)(a) of the Act, the prescribed information is—
  - (a) the unique identification number of the permanent identification device sold or supplied in a 15 character numeric or 10 character hexadecimal format and linked to the manufacturer of the device and a distribution batch number; and
  - (b) an allocation list linking the identification number to the person to whom the device was sold or supplied for the purpose of implantation.
- (2) For the purposes of section 63I(1)(a) of the Act, the prescribed manner and format in which the prescribed information is to be provided is an electronic format suitable for incorporation into the records that form part of the animal registry service provided by any licence holder provided with the information.

**Division 2—Forwarding of information to Council regarding permanent identification of certain dogs**

**16 Owner to forward information to Council regarding permanent identification of certain classes of dog**

- (1) The owner of a dog that has not been implanted with a prescribed permanent identification device before any one of the following events first occurs must, within 7 days of the dog being implanted with such a device, forward the prescribed identifying information to the Council with which the dog is or is to be registered—
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Part 3—Permanent identification of prescribed animals

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- (a) the dog by virtue of the operation of section 34A of the Act becomes a dangerous dog;
- (b) the dog is declared under section 34 of the Act to be a dangerous dog and an application for review of the declaration is not made under section 98(2) of the Act to VCAT within the time prescribed by section 98(2A) of the Act;
- (c) the dog is affirmed by VCAT as a dangerous dog;
- (d) the dog is declared under section 41A of the Act to be a menacing dog and an application for review of the declaration is not made under section 98(2) of the Act to VCAT within the time prescribed by section 98(2A) of the Act;
- (e) the dog is affirmed by VCAT as a menacing dog;
- (f) the dog is declared under section 10(3) of the Act to be a restricted breed dog;
- (g) the dog is declared under section 98A of the Act to be a restricted breed dog and an application for review of the declaration is not made under section 98(2AA) of the Act to VCAT within the time prescribed by section 98(2A) of the Act;
- (h) the dog is affirmed by VCAT as a restricted breed dog.

Penalty: 5 penalty units.

- (2) The owner of a dog that has been implanted with a prescribed permanent identification device before any one of the events referred to in subregulation (1)(a) to (h) first occurs must, within 7 days of that event, forward the information required under
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regulations 12(a)(i) to (x) and 12(b) to the Council with which the dog is or is to be registered.

Penalty: 5 penalty units.

### **Division 3—Implantation and removal of permanent identification devices**

#### **17 Obligation to obtain information before implanting device**

A person must not implant a permanent identification device in a prescribed animal unless—

- (a) the person has obtained the prescribed identifying information (except the information required under regulation 12(a)(ix) to (xi)) from the owner of that animal; and
- (b) the person is provided with a declaration signed and dated by the owner of the animal or the owner's agent stating that the information relating to the owner and the animal is true and correct and that the person named as the owner is the legal owner of the animal.

Penalty: 5 penalty units.

#### **18 Planter must advise owner of chargeable services before implantation**

Before implanting a permanent identification device in a prescribed animal, a person must advise the owner of the animal of any services for which a licence holder may charge a fee as part of providing an animal registry service in respect of that animal.

## **19 Scanning for permanent identification devices**

- (1) Before implanting a permanent identification device in a prescribed animal—
  - (a) a person must determine whether a permanent identification device has previously been implanted in the animal by scanning the animal in accordance with subregulation (2); and
  - (b) if a permanent identification device is detected, the person must continue scanning until the person is reasonably satisfied that all permanent identification devices implanted in the animal have been detected.

Penalty: 2 penalty units.

- (2) For the purposes of subregulation (1)—
  - (a) in the case of a dog or cat, a person must scan the dog or cat by including two sweeps between the head to the middle of the animal's back and two sweeps over the withers from elbow to elbow with a reader that the person has confirmed is functioning correctly; and
  - (b) in the case of a horse, a person must scan the horse by including two sweeps close to the skin along each side of the full length of the neck, along the nuchal ligament, with a reader that the person has confirmed is functioning correctly.

## **20 Offences regarding animals previously implanted**

- (1) A person must not implant a permanent identification device into a prescribed animal if the person is aware that the animal has already been implanted with a permanent identification device unless—
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- (a) the person is reasonably satisfied that the implanted device is not functioning correctly; or
- (b) the implanted device does not uniquely identify the animal; or
- (c) the implanted device has migrated outside the areas of the animal specified in regulation 19(2); or
- (d) the implanted device is a permanent identification device referred to in regulation 14(b).

Penalty: 2 penalty units.

- (2) If a person who intends to implant, or has implanted, a permanent identification device into a prescribed animal detects another permanent identification device in the animal, the person must—
  - (a) notify the licence holder holding the records associated with that other permanent identification device of that fact; and
  - (b) if known, provide that licence holder with the name, address and telephone number of the person who presented the animal for implantation.

Penalty: 2 penalty units.

## **21 Offence to remove permanent identification devices**

- (1) A person, other than a veterinary practitioner, must not remove a permanent identification device from a prescribed animal.

Penalty: 5 penalty units.

- (2) A veterinary practitioner must not remove a permanent identification device from a prescribed animal unless the practitioner reasonably considers the removal of the device to be necessary for therapeutic reasons.

Penalty: 5 penalty units.

- (3) If a veterinary practitioner removes a permanent identification device from a prescribed animal, the practitioner must take reasonable steps to notify the licence holder holding the records associated with that device of the removal.

Penalty: 2 penalty units.

## **22 Implantation of a permanent identification device**

- (1) A person must not implant a permanent identification device into a prescribed animal unless—
- (a) the device was packaged in individual sterile packaging at the time the person obtained the device; and
  - (b) the device was kept in that packaging until immediately before the device was scanned prior to implantation.

Penalty: 5 penalty units.

- (2) A person must not implant a permanent identification device into a prescribed animal unless the person has scanned the device to confirm that—

- (a) the device is functioning correctly; and
- (b) its unique identification number displayed during scanning is the same as the number shown on the package in which the device was sold or supplied to the person.

Penalty: 5 penalty units.

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(3) A person who implants a permanent identification device into a prescribed animal other than a horse must—

- (a) implant the device subcutaneously in the dorsal midline between the scapulae with the device lying at a 30–45 degree angle to the longitudinal axis of the animal; and
- (b) scan the animal immediately after the implantation to confirm proper implantation and that the device is functioning correctly.

Penalty: 5 penalty units.

(4) A person who implants a permanent identification device into a horse must—

- (a) implant the device into the nuchal ligament on the left side of the neck, midway between the poll and the wither; and
- (b) scan the horse immediately after implantation to confirm proper implantation and that the device is functioning correctly.

Penalty: 5 penalty units.

**23 Provision of information to the licence holder by person who implanted device**

(1) A person who implants a permanent identification device into a prescribed animal must give the prescribed identifying information to the licence holder under section 63G of the Act in such a manner that the identity of that person is clearly evident to the licence holder at the time the information is received by that licence holder.

Penalty: 5 penalty units.

- (2) A person who implants a permanent identification device into a prescribed animal must retain a copy of the prescribed identifying information provided to a licence holder under subregulation (1) in relation to the animal until the person is aware that the information has been recorded as part of the animal registry service provided by the licence holder in respect of that animal.

Penalty: 5 penalty units.

**24 Provision of information to licence holder if presenter of animal suspected not to be owner**

- (1) If an authorised implanter reasonably suspects that a person who presents a prescribed animal to the implanter for a professional service is not the owner of the animal, the implanter must, if there is a permanent identification device implanted in the animal, provide the following details to the holder of an animal registry licence—
- (a) the unique identification number of the device;
  - (b) if available, the name, address and telephone number of the person presenting the animal.
- (2) In this regulation, *professional service* includes grooming, vaccinating, the provision of medical care and checking permanent identification devices with respect to an animal, but does not include implanting a permanent identification device.

**Division 4—Animal registry licences**

**25 Application for the grant or renewal of an animal registry licence**

- (1) For the purposes of sections 63L(2)(a) and 63O(3)(a) of the Act, the following particulars are prescribed—
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- (a) if the applicant is a corporation—
    - (i) the name of the corporation and the Australian Business Number issued under A New Tax System (Australian Business Number) Act 1999 of the Commonwealth;
    - (ii) the full name of the person who will be responsible for overseeing management of the provision of the animal registry service;
    - (iii) the name of a contact person; and
    - (iv) the business address, postal address (if different to the business address), telephone and facsimile numbers and email address of the applicant;
  - (b) if the applicant is a natural person—
    - (i) the person's full name and Australian Business Number issued under A New Tax System (Australian Business Number) Act 1999 of the Commonwealth;
    - (ii) the business address, postal address (if different to the business address), telephone and facsimile numbers and email address of the applicant;
  - (c) details of the secure storage facility approved by the Secretary in which copies of records relating to prescribed animals that are to be kept and maintained by the applicant are to be deposited by the applicant in accordance with regulation 40;
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- (d) details of the applicant's technical and financial capacity to provide an animal registry service in compliance with the requirements of the Act and these Regulations;
  - (e) details of any offence involving fraud or dishonesty that the applicant has been found guilty of within 5 years before lodging the application;
  - (f) details of any insurance against expenses or liabilities that may arise in connection with, or as a result of, providing an animal registry service that the applicant will have at the time of commencing to provide the service.
- (2) An application under subregulation (1) must be accompanied by—
- (a) a notice of consent signed by the applicant permitting the Secretary to undertake a police records check in relation to the applicant; and
  - (b) a notice of consent signed by the person responsible for overseeing the management of the animal registry service permitting the Secretary to undertake a police records check in relation to that person.

## **26 Application fee for licence or renewal**

For the purposes of sections 63L(2)(b) and 63O(3)(b) of the Act, the prescribed fee is 76.3 fee units for each year or part of a year that the licence is granted or renewed (as the case may be).

## **Division 5—Conditions on animal registry licences**

### **27 Licences subject to conditions in this Division**

For the purposes of section 63N(1)(a) of the Act, this Division prescribes conditions to which every animal registry licence is subject.

#### **Note**

Section 63N of the Act provides that an animal registry licence is subject to any conditions that are prescribed and any conditions that the Secretary imposes on the licence. This Division prescribes the conditions that apply to all animal registry licences.

The penalty for a breach of a licence condition is 60 penalty units in the case of a natural person and 120 penalty units in the case of a body corporate.

### **28 Licence holders' obligations regarding information received**

- (1) Upon receipt of the prescribed information identifying a permanent identification device and other information required to be provided under section 63I of the Act, a licence holder must examine the information and compare the identification number of the device against any information that the licence holder holds or has access to as part of conducting an animal registry service to determine whether the identification number of the device is unique and contains no character errors.
  - (2) Upon receipt of the prescribed identifying information required to be given under section 63G of the Act relating to an implanted permanent identification device, a licence holder must examine the information and determine whether the identification number of the device correctly links to the person to whom the device was sold or supplied for the purpose of implantation.
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- (3) A licence holder must not use the information provided under section 63I(1)(b) of the Act for any commercial purpose other than for the purpose of providing an animal registry service.

**29 Licence holder to notify persons of incorrect information**

- (1) A licence holder must notify a person as soon as practicable after becoming aware that any of the following have occurred—
- (a) the person has failed to provide to the licence holder all or part of the prescribed identifying information under section 63G of the Act;
  - (b) the person has failed to provide to the licence holder all or part of the prescribed information under section 63I(1) of the Act;
  - (c) the person has supplied to the licence holder inaccurate or incorrect prescribed identifying information under section 63G of the Act;
  - (d) the person has supplied to the licence holder inaccurate or incorrect prescribed information or other information under section 63I(1) of the Act.
- (2) A licence holder who has notified a person under subregulation (1)(a), (b), (c) or (d) must notify the Secretary if the incomplete, inaccurate or incorrect information (as the case may be) is not supplied or re-supplied in accurate form within 14 days after so notifying the person.

**30 Holding of information separately until certain matters confirmed**

A licence holder—

- (a) must retain any prescribed identifying information provided under section 63G of the Act relating to a prescribed animal or the
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owner of the animal separately from the records kept as part of the animal registry service; and

- (b) must not create any record that includes that information—

until the licence holder is satisfied of the matters to be determined under regulation 28 regarding the permanent identification device implanted in the animal and the person to whom the device was sold or supplied.

**31 Prohibition on moving an animal record between animal registry services**

A licence holder must not, as part of providing an animal registry service, establish a record relating to a prescribed animal implanted with a permanent identification device that was implanted in the prescribed animal by an authorised implanter in accordance with the Act and these Regulations or the Domestic Animals Regulations 2005 unless the licence holder—

- (a) has checked the records of any other licence holder providing an animal registry service in accordance with the Act and these Regulations; and
- (b) is satisfied that the records do not include a record for that animal.

**32 Licence holder must provide animal registry service for a prescribed animal**

A licence holder must provide an animal registry service in respect of a prescribed animal if—

- (a) the appropriate fee is paid for the provision of that service to the licence holder; and
  - (b) the licence holder is not prohibited from establishing a record for the animal under regulation 31, 57 or 58.
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**33 New records to be established within 4 days**

A licence holder must ensure that the prescribed identifying information relating to a prescribed animal or the owner of the animal provided in accordance with section 63G of the Act is entered into a new record for that animal as part of the animal registry service provided by the licence holder to the owner in respect of that animal within 4 business days after the licence holder—

- (a) has received the information from the person who implanted a permanent identification device in the animal; and
- (b) is satisfied of the matters to be determined under regulation 28.

**34 Licence holder to provide certificate of identification**

- (1) A licence holder must provide the owner of a prescribed animal in respect of which a record has been established under regulation 33 with a certificate of identification as soon as possible after the establishment of the record.
- (2) A certificate of identification provided under subregulation (1) must contain—
  - (a) information about the procedures for amending identifying information contained in the record for the animal; and
  - (b) the information required under regulations 12(a)(i) to (v), 12(a)(viii) to (x) and 12(b)(i) to (iii).

**35 Records of prescribed animals must be maintained for life**

A licence holder who has agreed to provide an animal registry service in respect of a prescribed animal must keep and maintain any record relating to that animal as part of that service for the greater of the following periods—

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- (a) the lifetime of the animal;
- (b) 30 years after the licence holder first established a record in relation to that animal as part of such a service;
- (c) 30 years after any former licence holder first established a record relating to that animal as part of such a service.

**36 Licence holder to notify owner of certain matters**

- (1) If a licence holder has been notified under regulation 20(2) of the fact that a prescribed animal in respect of which the licence holder holds a record has been presented for implantation with a further permanent identification device, the licence holder must—
    - (a) notify the owner of the animal of that fact; and
    - (b) if provided to the licence holder, provide the owner with the name and telephone number of the person who presented the animal for implantation.
  - (2) If a licence holder is unable to contact the owner under subregulation (1), the licence holder must enter the following details in the record held for the animal—
    - (a) that the animal has been presented for implantation with a further permanent identification device;
    - (b) if provided to the licence holder, the name, address and telephone number of the person who so presented the animal;
    - (c) the date on which the licence holder received the information referred to in paragraphs (a) and (b);
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- (d) the date on which the licence holder attempted to notify the owner in accordance with subregulation (1).
- (3) If a licence holder has been notified under regulation 24 of the fact that a prescribed animal in respect of which the licence holder holds a record has been presented for a professional service, the licence holder must—
- (a) notify the owner of the animal of that fact; and
  - (b) if provided to the licence holder, provide an authorised officer appointed under section 71 of the Act with the name and telephone number of the person who so presented the animal.
- (4) If a licence holder is unable to contact the owner under subregulation (3), the licence holder must enter the following details in the record held for the animal—
- (a) that the animal has been presented for a professional service;
  - (b) if provided to the licence holder, the name, address and telephone number of the person who so presented the animal;
  - (c) the date on which the licence holder received the information referred to in paragraphs (a) and (b);
  - (d) the date on which the licence holder attempted to notify the owner in accordance with subregulation (3).

**37 Licence holder to facilitate reunion of lost animals and owners**

The licence holder, in providing an animal registry service, must use the holder's best endeavours to ensure the prompt reunion of any

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prescribed animal implanted with a permanent identification device with the owner of the animal.

**38 Licence holder must establish complaints system**

- (1) A licence holder must establish and maintain a system approved by the Secretary for recording and addressing complaints in respect of providing an animal registry service.
- (2) The Secretary may approve a system under subregulation (1) if the Secretary is satisfied that the system is adequate for the recording and addressing of complaints in respect of providing an animal registry service.
- (3) In determining whether to approve a system under subregulation (2), the Secretary may request that the licence holder provide to the Secretary any information or documents that the Secretary reasonably requires.

**39 Access to and provision of information**

- (1) A licence holder who is providing an animal registry service in respect of a prescribed animal, must ensure that any record relating to such an animal is accessible electronically or by telephone—
    - (a) 24 hours a day on any day in any year to permit retrieval of information for the purposes of identifying that animal; and
    - (b) during normal business hours to permit retrieval of information other than for the purposes of identifying individual animals.
  - (2) If a licence holder receives a request from a person to provide prescribed identifying information for the purpose of reuniting a prescribed animal with its owner, relating to a prescribed animal for which the licence holder does not keep a record, the licence holder must—
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Part 3—Permanent identification of prescribed animals

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- (a) immediately contact other licence holders to determine whether a record relating to a prescribed animal is kept by another licence holder; and
  - (b) provide the information to the person who made the request, if the person is of a class of person referred to in section 63H(2) of the Act, unless the licence holder keeping the record agrees to provide the information directly to that person.
- (3) If a licence holder receives a request to provide prescribed identifying information for the purpose of reuniting a prescribed animal with its owner and the licence holder keeps a record relating to that animal, the licence holder must—
- (a) make reasonable efforts to contact the owner of the animal to inform the owner of the request for information, unless a Council or an animal shelter registered under Part 4 of the Act agrees to contact the owner and so inform the owner; and
  - (b) provide the information requested to the person who made the request, if the person is of a class of person referred to in section 63H(2) of the Act.
- (4) A licence holder must establish and maintain a system to identify and keep records of any persons referred to in section 63H(2) of the Act to whom the licence holder provides any prescribed identifying information.
- (5) A record kept under subregulation (4) must be kept for the same period that the licence holder must keep a record relating to the relevant animal under regulation 35.
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**40 Copies of records provided monthly**

- (1) At least once a month, a licence holder must, in relation to all records relating to prescribed animals kept and maintained as part of the animal registry service provided by the licence holder—
  - (a) deposit in electronic format a copy of those records into any type of secure storage facility approved by the Secretary that is maintained by the licence holder; or
  - (b) provide a copy of those records in electronic format to the Secretary.
- (2) The licence holder must ensure that the records deposited under subregulation (1)(a) are accessible for inspection by an authorised officer appointed under section 71 or 71A of the Act.

**41 Amending information in records**

- (1) A licence holder must not amend the identifying information contained in a record kept and maintained by the licence holder in relation to a prescribed animal unless—
    - (a) the licence holder has received an application to so amend the record from the person specified as the owner of the animal in the identifying information contained in the record; or
    - (b) the licence holder has received an application to so amend the record from an authorised officer appointed under section 71 of the Act; or
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- (c) in the case of an application for a change of ownership of the animal—
    - (i) the licence holder has received an application from the new owner of the animal to change the ownership of the animal in accordance with subregulation (2); and
    - (ii) the licence holder has notified the person specified as the owner of the animal in the identifying information contained in the record about that application and within 14 days after that notification the owner has either confirmed the ownership change in writing or has not responded to the notification; or
  - (d) in the case of an application for a change of ownership of the animal, the licence holder has received an application to change the ownership of the animal from a pound or animal shelter which operates a domestic animal business from a premises registered for that purpose under Part 4 of the Act; or
  - (e) there has been a change in ownership of the animal as a result of an order of a court or VCAT and the new owner of the animal—
    - (i) applies to the licence holder to amend the record to change the ownership of the animal; and
    - (ii) provides a copy of the order to the licence holder.
- (2) For the purposes of subregulation (1)(c)(i), the applicant must provide to the licence holder a declaration stating that the applicant is the new owner of the animal.
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- (3) If a licence holder becomes aware of a dispute over the ownership of a prescribed animal in respect of which the licence holder keeps a record, the licence holder—
- (a) must enter details of the dispute on to the record; and
  - (b) must not amend the record to change the ownership of the animal unless the licence holder is provided with an order of a court or VCAT which provides that a person other than the person specified as the owner of the animal in the identifying information contained in the record is the owner of the animal.
- (4) If a licence holder amends a record kept in relation to a prescribed animal to change the ownership of that animal, the licence holder must ensure that the previous ownership details are retained in that record.

#### **42 Reporting of complaints to Secretary**

A licence holder must provide a written report to the Secretary every 3 months setting out—

- (a) any complaints made in respect of the animal registry service provided by the licence holder concerning—
    - (i) the keeping and maintaining of records relating to prescribed animals; and
    - (ii) the provision of access to those records; and
    - (iii) any failure of the licence holder to identify the owner of a prescribed animal from records kept by the licence holder; and
  - (b) the steps taken by the licence holder to address those complaints.
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**43 Licence holder must not charge access fees to certain people**

A licence holder must not charge a fee to any of the following persons for providing that person with access to any information kept in a record and maintained by the licence holder relating to a prescribed animal—

- (a) the Secretary acting in the course of the Secretary's duties in the administration of the Act or these Regulations;
- (b) an authorised officer appointed under section 71, 71A or 72 of the Act acting in the course of the officer's duties in the administration of the Act or these Regulations;
- (c) the owner of the animal;
- (d) any other person where the access is for the purposes of reuniting an animal with its owner;
- (e) any other person approved by the Secretary.

**44 Information provided to licence holder must be retained in electronic or in original form**

Any prescribed identifying information or prescribed information (as the case may be) relating to a prescribed animal provided to a licence holder must be retained by the licence holder in an electronic form or as a hard copy for the same period that the licence holder must keep a record relating to that animal under regulation 35.

**45 Licence holder must notify Secretary of change in nominated person in charge of animal registry service**

- (1) If a person nominated under regulation 25(1)(a)(ii) ceases to be the person responsible for overseeing the provision of the animal registry service, the licence holder must—
  - (a) as soon as practicable, notify the Secretary in writing that the person has ceased to be responsible for overseeing the provision of that service; and
  - (b) provide the Secretary with the full name of the person who will be responsible for overseeing the provision of the animal registry service.
- (2) The written advice of the licence holder under subregulation (1) must be accompanied by a notice of consent signed by the person nominated under subregulation (1)(b) permitting the Secretary to undertake a police records check in relation to that person.

**Division 6—Record management**

**46 Prescribed manner for keeping information in records and copies of records**

- (1) For the purposes of sections 63E(a) and 63Z(1)(a) of the Act, the prescribed manner for keeping and maintaining the records containing the prescribed identifying information or the prescribed information (as the case may be) relating to a prescribed animal is in an electronic format which is sufficient to enable the licence holder to comply with the requirements of regulation 39(1).
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- (2) For the purposes of sections 63E(b) and 63Z(1)(b) of the Act, the prescribed manner for keeping and maintaining copies of records relating to a prescribed animal is in an electronic format.

**47 Maintenance of records if licence holder ceases to provide animal registry service**

- (1) If a licence holder intends to cease providing an animal registry service in respect of prescribed animals, the holder must, before ceasing to provide the service and relinquishing the relevant animal registry licence—
- (a) enter into a written agreement with a person for that person to continue to provide the service in respect of those animals, that complies with the requirements of regulation 35 in relation to each prescribed animal; or
  - (b) give to the Secretary in electronic format every record in relation to the animals in respect of which the holder provides that service.

Penalty: 5 penalty units.

- (2) If a licence holder is unable to continue to provide an animal registry service in respect of prescribed animals due to the holder's incapacity or death, the holder's guardian or the personal representative of the holder's estate (as the case may be) must as soon as practicable—
- (a) enter into a written agreement with a person for that person to continue to provide the service in respect of those animals, that complies with the requirements of regulation 35 in relation to each prescribed animal; or

- (b) give to the Secretary in electronic format every record in relation to the animals in respect of which the holder provides that service.

Penalty: 5 penalty units.

- (3) If it appears to the Secretary that a licence holder has ceased to provide the animal registry service in respect of prescribed animals for which the licence holder is licensed, the Secretary may request any person who appears to have possession or control of the records relating to those animals to give the records in electronic format to the Secretary.
- (4) A person must comply with a request under subregulation (3) unless the person has a reasonable excuse for not so complying.

Penalty: 5 penalty units.

#### **48 Pet shop records**

- (1) For the purposes of section 63AB(1)(a)(ii) of the Act, the prescribed information that the proprietor of a pet shop must keep in relation to each dog or cat that is offered for sale at the pet shop is—
    - (a) the name of the dog or cat, if any; and
    - (b) the sex of the dog or cat; and
    - (c) the breed of the dog or cat; and
    - (d) the age of the dog or cat; and
    - (e) the identification number of the permanent identification device implanted in the dog or cat; and
    - (f) the name, address and telephone number of the person from whom the pet shop proprietor obtained the dog or cat, together with a copy of a document verifying the identity of that person; and
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Part 3—Permanent identification of prescribed animals

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- (g) if the pet shop proprietor obtained the dog or cat from a registered domestic animal business, the registered domestic animal business number of that business; and
  - (h) if the person from whom the pet shop proprietor obtained the dog or cat did not breed it, the name, address, telephone number and registered domestic animal business number (if any) of the person who bred the dog or cat; and
  - (i) the name, address and telephone number of the person who purchased the dog or cat; and
  - (j) a copy of the microchip change of ownership form signed by the purchaser of the dog or cat.
- (2) For the purposes of section 63AB(1)(b) of the Act, a record under section 63AB(1)(a) of the Act—
- (a) must be accessible to and made available for examination by an authorised officer on request; and
  - (b) must be kept and maintained for not less than 5 years after the record was made.

## **Part 4—General**

### **49 Receipt for seized documents**

For the purposes of sections 75(1) and Part 7A of the Act, the prescribed form of receipt is set out in Schedule 4.

### **50 Infringement penalties for offences against the Act**

For the purposes of section 88 of the Act, the infringement penalty for an offence—

- (a) against sections 20(1), 21, 22, 23(4), 25(1) and 32(1) of the Act is 0·5 penalty units; and
  - (b) against sections 12A(2), 26(1), 29(7), 37(1C)(a), 37(1C)(b), 37(1C)(c), 37(1C)(d), 39, 41F(2), 41G(1), 41H, 41I and 63G of the Act is 1 penalty unit; and
  - (c) against sections 24(1), 27(1) and 32(4) of the Act is 1·5 penalty units; and
  - (d) against sections 10(1), 10(2), 10(3), 12A(1), 24(2), 37(2)(a), 37(2)(b), 37(2)(ba), 37(2)(bb), 37(2)(c), 38(1), 38(2), 41D(b), 41D(ba), 41D(bb), 41D(c), 41E(2), 41EA(1), 41F(1)(a), 41F(1)(aa), 41F(1)(ab), 41F(1)(b), 41F(1)(c), 63A(1), 63F, 63H(1), 63H(2) and 96 of the Act is 2 penalty units; and
  - (e) against section 29(5) of the Act is 2·5 penalty units; and
  - (f) against sections 63D and 63I(1) of the Act is 4 penalty units; and
  - (g) against section 63J(1) of the Act is 5 penalty units.
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**51 Infringement penalties and offences for offences against these Regulations**

- (1) Regulations 8(2), 9(2), 10(2), 16(1), 16(2), 17, 19(1), 20(1)(a), 20(1)(b), 20(1)(c), 20(1)(d), 20(2), 21(1), 22(1), 22(2), 22(3), 22(4), 23(1) and 23(2) are prescribed for the purposes of Part 7B of the Act.
- (2) For the purposes of section 88 of the Act, the infringement penalty for an offence—
  - (a) against regulation 8(2), 9(2), 10(2), 19(1), 20(1)(a), 20(1)(b), 20(1)(c), 20(1)(d) or 20(2) is 0.5 penalty units; and
  - (b) against regulation 16(1), 16(2), 17, 21(1), 22(1), 22(2), 22(3), 22(4), 23(1) or 23(2) is 1.25 penalty units.

**52 Obedience training**

- (1) For the purposes of section 84X(1)(e) and the Schedule to the Act, obedience training that complies with these Regulations is training of a dog that enables the dog to successfully complete—
    - (a) an assessment program administered by the Victorian Canine Association Inc. which results in the award of an obedience title recognised by the Australian National Kennel Council Ltd; or
    - (b) an assessment program approved by the Minister and conducted by a qualified dog trainer.
  - (2) For the purposes of subregulation (1)(b), a qualified dog trainer is a person who—
    - (a) is a current member of an organisation approved by the Minister; and
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- (b) has completed to the satisfaction of that organisation a training course approved by the Minister and administered by that organisation.
- (3) For the purposes of subregulation (1)(b), the Minister may approve an assessment program if it provides for a dog to be assessed in the following skills—
- (a) heeling or walking with handler;
  - (b) sociability with other dogs;
  - (c) staying on command (known as a "stay test");
  - (d) coming to handler on command (known as a "recall test");
  - (e) absence of aggression towards humans or another animal.
- (4) For the purposes of subregulation (2)(a), the Minister may approve an organisation for a period of up to 36 months if it satisfies the following criteria—
- (a) it is an organisation established for the purpose of representing the interests of other dog training organisations as well as individual dog trainers;
  - (b) it provides training and education programs relating to dog training to its members;
  - (c) it has prepared and distributed to its members a code of ethics relating to dog training that is endorsed by the organisation and is binding on its members.
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- (5) An organisation approved by the Minister under subregulation (4) may apply to the Minister to be approved for a further period of up to 36 months by submitting a report on its activities in relation to the criteria specified in subregulation (4).
- (6) An application under subregulation (5) must be made at least 30 days, or any lesser number of days approved by the Minister, before the expiry of the period referred to in subregulation (4).
- (7) If, after considering a report submitted under subregulation (5) the Minister is satisfied that an approved organisation continues to meet the criteria specified in subregulation (4), the Minister may approve the organisation for the purposes of subregulation (2)(a) for a further period of up to 36 months.
- (8) For the purposes of subregulation (2)(b), the Minister may approve a training course if it provides for—
  - (a) training in appropriate equipment used to train a dog; and
  - (b) practical obedience training of dogs; and
  - (c) a written or oral examination on the theory of dog training; and
  - (d) a practical examination of a person's dog training skills; and
  - (e) a probationary or learning period of at least 100 hours in which the trainee is under the supervision of a qualified dog trainer.

## **Part 5—Savings and transitional provisions**

### **53 Definitions**

In this Part—

- (a) *the 1996 regulations* means the Domestic (Feral and Nuisance) Animals Regulations 1996 as in force immediately before 1 December 2005; and
- (b) *the 2005 regulations* means the Domestic Animals Regulations 2005 as in force immediately before 26 November 2015.

### **54 Approved assessment programs, organisations and training courses**

- (1) An assessment program approved by the Minister under—
  - (a) regulation 13(3) of the 1996 regulations before 1 December 2005; or
  - (b) regulation 49(3) of the 2005 regulations before 30 November 2015—

is taken to be an assessment program approved by the Minister under regulation 52(3).

- (2) An organisation approved under—
  - (a) regulation 13(4) of the 1996 regulations before 1 December 2005; or
  - (b) regulation 49(4) of the 2005 regulations before 30 November 2015—

is taken to be an organisation approved by the Minister under regulation 52(4) for a period of 36 months after the date of the approval.

(3) A training course approved by the Minister under—

- (a) regulation 13(7) of the 1996 regulations before 1 December 2005; or
- (b) regulation 49(8) of the 2005 regulations before 30 November 2015—

is taken to be a training course approved by the Minister under regulation 52(8).

**55 Approved systems for recording and addressing complaints**

A system approved by the Secretary under regulation 37 of the 2005 regulations is taken to be an approved system under regulation 38.

**56 Infringement notices and infringement offences**

- (1) The commencement of regulations 50 and 51 of these Regulations is not to be taken to affect—
  - (a) an infringement notice issued before that commencement; and
  - (b) the penalty applying to an infringement offence committed before that commencement.

(2) In this regulation, *infringement offence* means an offence for which an infringement notice may be served under section 85 of the Act.

**57 Prohibition against establishing new records for dogs or cats**

- (1) It is a condition of an animal registry licence that a licence holder must not establish a record relating to a dog or cat implanted with a permanent identification device as part of providing an animal registry service in respect of that animal unless—

- (a) the licence holder—
    - (i) is reasonably satisfied that the device is a prescribed permanent identification device that was implanted in the animal in Victoria by an authorised implanter in accordance with the Act and these Regulations or the 2005 regulations; and
    - (ii) is provided with the prescribed identifying information relating to the animal and the animal's owner in accordance with section 63G of the Act; or
  - (b) the device was implanted prior to 1 December 2005 and the licence holder is reasonably satisfied that the device is capable of uniquely identifying the animal; or
  - (c) the device has been implanted in the animal outside of Victoria and the licence holder is reasonably satisfied that the device is capable of uniquely identifying the animal; or
  - (d) the establishment of the record is approved by an authorised officer appointed under section 71 of the Act.
- (2) Subregulation (1) does not apply if the licence holder was keeping and maintaining a record of identifying information in respect of the animal as part of a service in the nature of an animal registry service before 1 December 2005.

**58 Prohibition against establishing new records for horses**

- (1) It is a condition of an animal registry licence that a licence holder must not establish a record relating to a horse implanted with a permanent
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identification device as part of providing an animal registry service in respect of that animal unless—

- (a) the licence holder—
    - (i) is reasonably satisfied that the device is a prescribed permanent identification device that was implanted in the horse in Victoria by an authorised implanter in accordance with the Act and these Regulations or the 2005 regulations; and
    - (ii) is provided with the prescribed identifying information relating to the horse and the horse's owner in accordance with section 63G of the Act; or
  - (b) the device was implanted prior to 1 September 2009 and the licence holder is reasonably satisfied that the device is capable of uniquely identifying the horse; or
  - (c) the device has been implanted in the horse outside of Victoria and the licence holder is reasonably satisfied that the device is capable of uniquely identifying the horse; or
  - (d) the establishment of the record is approved by an authorised officer appointed under section 71 of the Act.
- (2) Subregulation (1) does not apply if the licence holder was keeping and maintaining a record of identifying information in respect of the horse as part of a service in the nature of an animal registry service before 1 September 2009.

**59 Transitional provision for existing records**

A record that was established under Part 3 of the 2005 regulations in relation to a prescribed animal is taken to be a record established under Part 3 of these Regulations in relation to that animal.

Domestic Animals Regulations 2015

S.R. No. 136/2015

Schedules

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## Schedules

### Schedule 1—Revocations

Regulation 4

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| <i>S.R. No.</i> | <i>Title</i>   |
|-----------------|--|
| 151/2005        | Domestic Animals Regulations 2005  |
| 101/2006        | Domestic (Feral and Nuisance) Animals (Amendment) Regulations 2006               |
| 67/2008         | Domestic (Feral and Nuisance) Animals (Infringements Amendment) Regulations 2008 |
| 100/2009        | Domestic (Feral and Nuisance) Animals Amendment Regulations 2009                 |
| 57/2013         | Domestic Animals Amendment Regulations 2013                                      |
| 90/2014         | Domestic Animals Amendment Regulations 2014                                      |
| 64/2015         | Domestic Animals Amendment Regulations 2015                                      |


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## Schedule 2—Dangerous dog warning sign

Regulation 8



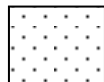
 **Red = 100% Magenta 100% Yellow**

 **Yellow = 100% Yellow**

 **Black**

**Schedule 3—Restricted breed dog  
warning sign**

Regulation 10



= Light turquoise



= Sign text: Black, font size: 72 point,  
font: Times New Roman, font style: bold  
Sign border: 3 point black

Domestic Animals Regulations 2015  
S.R. No. 136/2015

Schedule 4—Receipt for document or thing seized under section 74(2)(e) or  
Part 7A of the Act

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**Schedule 4—Receipt for document or  
thing seized under section 74(2)(e) or  
Part 7A of the Act**

Regulation 49

Domestic Animals Regulations 2015

**RECEIPT FOR DOCUMENT OR THING SEIZED UNDER SECTION  
74(2)(e) OR PART 7A OF THE ACT**

Name of authorised officer:

Authorised by:

If appointed by a certificate from a Council, name of Council:

Name of person from whom document or thing seized if made available:

Address from which document or thing seized:

Description of document or thing seized by the authorised officer:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

Signed by the authorised officer:

Date:

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## Endnotes

### Table of Applied, Adopted or Incorporated Matter

The following table of applied, adopted or incorporated matter is included in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

| <b>Statutory rule provision</b>   | <b>Title of applied, adopted or incorporated document</b>  | <b>Matter in applied, adopted or incorporated document</b> |
|---|--|--|
| Regulation 5, definition of <i>AS 5018-2001</i> , definition of <i>reader</i> | <i>AS 5018-2001 Electronic animal identification— National coding scheme</i> as published by Standards Australia from time to time | The whole  |
| Regulation 5, definition of <i>AS 5019-2001</i> , definition of <i>reader</i> | <i>AS 5019-2001 Electronic animal identification— Radiofrequency methods</i> as published by Standards Australia from time to time | The whole  |
| Regulation 14(a)(ii)  | <i>AS 5019-2001 Electronic animal identification— Radiofrequency methods</i> as published by Standards Australia from time to time | The whole  |
| Regulation 14(a)(iii)(A)  | <i>AS 5018-2001 Electronic animal identification— National coding scheme</i> as published by Standards Australia from time to time | The whole  |