



Domestic Animals Regulations 2015

Proposed amendments

Submission from the Australian Veterinary
Association Ltd

February 2019



The AVA

The Australian Veterinary Association (AVA) is the national organisation representing veterinarians in Australia. Our 9,500 members come from all fields within the veterinary profession. Clinical practitioners work with companion animals, horses, livestock and wildlife. Government veterinarians work with animal health, public health and quarantine systems while other members work in conservation, welfare, industry for pharmaceutical and other commercial enterprises. We also have members who work in research and teaching in a range of scientific disciplines. Veterinary students and veterinary professionals are also members of the Association.

Pet Exchange Register

AVA is extremely supportive of the introduction of the Pet Exchange Register to improve the traceability of dogs and cats within Victoria. Below we have completed the survey produced by Animal Welfare Victoria and have added further comments at the end of each section which we hope are taken into consideration.

SURVEY RESPONSE

Part 1 – Pet Exchange Register

The *Domestic Animals Act 1994* (DA Act) and *Domestic Animals Regulations 2015* (DA Regulations) prescribe what details a person must include in their application for a source number on the PER.

Additional details

The required details currently include personal and/or business details, details of dogs being bred (if relevant), and details of any previous breaches of animal welfare legislation.

1. Do you agree with the proposed additional details to be required by the DA Regulations?

a. All breeders to include details on the PER of any known heritable defect. (refer to glossary for list of defects)

Agree

Not Agree

Undecided

Not relevant to me

b. All recreational breeders and microbreeders to include their date of birth to ensure identity can be verified.

Agree

Not Agree

Undecided

Not relevant to me



c. Council to include compliance and registration data for Domestic Animal Business records (which only those authorised can view).

✓ Agree

Not Agree

Undecided

Not relevant to me

d. Please tell us why you selected your responses

- AVA recommends that the health implications for brachycephalic dog breeds such as Pugs, French Bulldogs and Boston Terriers also be declared in the medical notes of the animal. These dogs have serious health and welfare problems because they have been bred with exaggerated features to achieve a particular look and prospective owners should be aware of the ongoing medical costs. Ideally, brachycephalic breeds would be recognised under the Code of Practice for breeding animals with heritable defects that cause disease
- In regard to identification of those registering for a source number, an assurance that these details will be verified is required. We suggest this information be verified with VicRoads, Medicare or electoral roll
- We note that pounds and shelters are domestic animal businesses and suggest that rescue groups be identified as a classification. There are literally hundreds or perhaps thousands of rescue groups within Victoria who advertise adoptions via social media or websites. They are clearly not any type of breeder and should be classified as such. For this reason, we believe that a classification should be listed in the information on the PER
- We note that rescue groups obtaining animals from pounds, shelters and other sources will have a different source number attached to the microchip as its point of origin. Consequently, the source number that is advertising the animal will not match the source code on the microchip (although the ownership on microchip will reflect change of ownership to the rescue group). For this reason, we suggest that pounds and shelters should be required to report those animals transferred to a rescue group on an annual basis
- We note that it is proposed that each rescue group must have a nominated individual as a point of contact for the source number representing that group and all animals will be advertised under that source number
- We are advised that the only mandatory detail for a source displayed to the public on the PER is the council municipality, ie. no name, no contact details (although further details are optional for the person with the source code to permit to display). We recommend at a minimum either an email address or telephone number is displayed to the public on the PER so that fraudulent activity does not occur

Applications

When someone applies for a source number on the PER it must be accompanied by the prescribed fee and any other documentation as prescribed by the DA Regulations.



2. Do you agree with the proposed additions to the DA Regulations to prescribe the following?

a. Fee to apply for a source number on the PER to be set at 1.5 fee units (equivalent to \$21.76 as at 1 July 2018).

- Agree
 Not Agree
 Undecided
 Not relevant to me

b. Evidence to verify identify (e.g. a driver's licence).

- Agree
 Not Agree
 Undecided
 Not relevant to me

c. Please tell us why you selected your responses

- Although the fee is not particularly excessive, we note that the similar register operating in Queensland does not charge a fee
- It is not clear whether there will be a renewal fee for source codes (ie. annual)
- We are supportive of only people 18 years and over being able to obtain a source code

Refusal, revocation or suspension of a source number

The Secretary of the Department of Jobs, Precincts and Regions (DJPR) may refuse a source number to applicants for specific reasons. Reasons include: the applicant having been found guilty of certain offences, is subject to a banning order, or has given false or misleading information.

3. Do you agree with the following proposed reasons for refusal, revocation or suspension?

a. Identification cannot be verified.

- Agree
 Not Agree
 Undecided
 Not relevant to me

b. A recreational breeder's applicable organisation membership is no longer valid.

- Agree
 Not Agree
 Undecided
 Not relevant to me

c. Please tell us why you selected your responses

- Both proposed requirements ensure good animal welfare



Part 2 - Microchips

All advertisers of dogs and cats will be required to obtain a source number from the PER from 1 July 2019.

Under the DA Act all dogs and cats must be implanted with a microchip before being sold or given away unless an exemption applies.

The DA Regulations specify the information that must be provided for the microchip record when microchipping a dog or cat.

4. Do you agree that the following information also be required for a record associated with a microchip?

a. The source number of the breeder must be included on the record when microchipping any animal born after 1 July 2020.

Agree

Not Agree

Undecided

Not relevant to me

b. Please tell us why you selected your response

- Although agreeable to the source number of the breeder being recorded on an animal's microchip, we see no reason as to why this could not happen for any animal born after 1 July 2019. It has been assured that when registering for a source number via the PER, that the source number is issued immediately (albeit provisional until verification has occurred). Each animal must be microchipped so we do not understand the delay in ensuring the source number is also recorded on the microchip information
- We would expect source numbers to be verified within a reasonable amount of time by Animal Welfare Victoria – perhaps within 20 business days

Microchip registries have several requirements placed on them to ensure the traceability of animals including dogs and cats in Victoria. The privacy of the details kept on registers is paramount, all records must be handled and stored in accordance with privacy requirements.

5. Do you agree with the following changes proposed to the requirements on microchip registries within the DA Regulations?

a. Allow a veterinarian to remove a microchip from an animal in cases where identity must be protected for personal safety reasons, or if ordered by a court.

Agree

Not Agree

Undecided

Not relevant to me



b. When an animal is presented to have a second microchip implanted, the registry is to give a departmental authorised officer the information required to follow-up. (Instead of to the original microchip owner).

Agree

Not Agree

Undecided

Not relevant to me

c. When a change of ownership or details application is made the registry must make those changes within seven business days.

Agree

Not Agree

Undecided

Not relevant to me

d. Please tell us why you selected your response

- These proposals are all sensible, especially in light of domestic violence situations and court ordered protection of witnesses. In regard to Regulation 36 which requires the microchip registry to provide a departmental authorised officer with the contact details of the person who presents an animal for a second microchip, we recommend that also part 1 of this regulation is amended to reflect that the owner of the animal is only notified by the registry if it is safe to do so (in line with domestic violence situation and court ordered protection of witnesses)

Part 3 - Sale and breeding of animals

Pet shops

Pet Shops must keep detailed records of the animals they source and sell. This includes information identifying where the animal has been sourced from. Since 1 July 2018, pet shops have only been able to source dogs and cats from registered shelters, pounds and foster carers.

6. Do you agree with the proposed changes to the DA Regulations?

a. Include a requirement to keep the source number of the shelter, pound or foster carer the animal has been sourced from.

Agree

Not Agree

Undecided

Not relevant to me



b. Remove the requirement to have breeders' details recorded, as it is no longer relevant. Since pet shops cannot source dogs or cats from breeders.

Agree

Not Agree

Undecided

Not relevant to me

c. Please tell us why you selected your responses

- Although agreeing to both amendments, rather than pet shops being required to record breeders' details, we recommend that pet shops should be required to check the PER to ensure the source number of the person presenting the animal, is accurate. If the source number is not accurate, pet shops should not be permitted to accept animal

Commercial dog breeding

Currently, commercial dog breeder applications must include a copy of a health management plan for each dog kept on the property. It has since been determined that certain/specific details of each dog are not required.

It is proposed the following changes are made in the DA Regulations to the application and reporting process for commercial dog breeders:

7. Do you agree with the following proposed changes to the DA Regulations to the application and reporting process for commercial dog breeders?

a. Remove the requirement for a health management plan for each dog and replace with a health management plan for each breed of dog and specified dog details for each breeding dog.

Agree

Not Agree

Undecided

Not relevant to me

b. Replace the requirement for a whole of life plan in an approved commercial dog breeder's annual report with specified dog details of each breeding dog kept on the property.

Agree

Not Agree

Undecided

Not relevant to me

c. Expand reporting requirements to include any amendments made by businesses to their policies and procedures already submitted.

Agree

Not Agree

Undecided

Not relevant to me



d. Please tell us why you selected your response

- Commercial dog breeders are subject to numerous requirements in relation to applications, approvals, inspections, staffing and reporting in order to comply with the *Domestic Animal Act 1994*. We are comfortable with suggested amendments with the exception that a requirement should exist for a health plan for an individual dog if there are relevant health requirements that should be noted, ie. dietary

8. The specified details to be provided for each dog are to include

- Name of dog
- Sex of dog
- Breed of dog
- Colour of dog
- Status of dog (e.g. entire)
- Birth date
- Date acquired
- Date of last vaccination and worming
- Female dog details:
 - Date of mating and birthing
 - Mating male/s – name, microchip and breed of dog
 - Litter number
 - Number of live births
 - Date of breeding clearance certificate
 - Date of last general health check
- Male dog details:
 - Date of mating
 - Mating female/s – name, microchip and breed of dog
 - Date of breeding clearance certificate
 - Date of last general health check
 - Retirement date
 - Method of disposal

a. Do you agree with the proposed required details?

- Agree
- Not Agree
- Undecided
- Not relevant to me

b. Please tell us why you selected your response

- All of these requirements are reasonable to protect animal welfare



Animal sale permit

Animal Sale Permits can have specific conditions attached. Conditions can be made mandatory in the DA Regulations or on individual permits.

9. It is proposed the following conditions are prescribed in the DA Regulations:

a. The permit holder must ensure that an emergency evacuation plan is displayed at all times.

Agree

Not Agree

Undecided

b. The permit holder or nominee must be able to produce the permit at the sale when requested by an authorised officer.

Agree

Not Agree

Undecided

c. Please tell us why you selected your response

- All of these requirements are reasonable to protect animal welfare

Part 4: General questions and about you

How do you interact with the regulations (tick all that apply) Required

Applicable Organisation member

Breeder of dogs

Breeder of cats

Microchip implanter

Employer/owner of a microchip registry

Local council officer

Employee of the Royal Society for the Prevention of Cruelty to Animals

Advertiser of cats or dogs

Interested member of the public

Industry group or representative body

Member of a rescue group or Community Foster Care Network

Prefer not to say

Other (please specify)

Postcode Required

3008

I agree to the privacy statement required



[Read the privacy statement here](#)

I do not want my submission published or content directly quoted in the final consultation report

If you would like to stay informed of future consultations, please provide your email address

execvic@ava.com.au

How satisfied are you with the engagement process in terms of the opportunities to provide your views? Required

- Satisfied
 Neutral
 Dissatisfied

General comments

- The PER will only be effective if appropriate resources from Animal Welfare Victoria exist for enforcement and that penalties apply for not complying with legislation. Councils must also have the ability to follow up complaints from the public in a timely fashion
- Online portals such as FaceBook, Trading Post and Gumtree must be encouraged not to facilitate advertisers not complying with legislation
- It would be helpful to track the amount of animals that shelters and rescue groups adopt out and this could now be achieved by tracking the amount of animals that are advertised. This data would be invaluable

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