



Australian Veterinary Association

Submission

Reuniting lost pets review (VIC)

August 2020



The Australian Veterinary Association (AVA)

The Australian Veterinary Association (AVA) is the only national association representing veterinarians in Australia. Founded in 1921, the AVA today represents 9000 members working in all areas of animal science, health and welfare.

Veterinary roles extend far beyond caring for the health and welfare of our pets and production animals. Veterinarians are the pathologists, field officers and inspectors that secure the safety of our food, ensure market access for our exports, protect our wildlife and help to safeguard the human population from zoonotic diseases.

Summary

The AVA welcomes the opportunity to provide feedback on the *Reuniting lost pets Review*. Legislative change that aims to allow veterinary clinics to return microchipped lost animals directly to their owners is very welcome. The AVA has been lobbying government for such legislative change over many years. The AVA was very appreciative of the two major political parties committing to amend this legislation prior to the 2018 election.

It is pleasing that the Victorian Government are committed to reunite lost pets more efficiently and reduce any regulatory, administrative and resource burdens on council. This, however, should not result in the transfer of any such burdens onto veterinary clinics. Veterinarians and their associated staff already perform various community services such as pro bono treatment of wildlife, responsible pet ownership education to schools and voluntary participation during animal emergencies. Reuniting lost pets with owners serves as another community service to all pet owners.

The highest priority for the AVA in this regard is to reunite animals with their owners/carers as soon as possible to maximise the welfare outcome for both the animals and the human families involved.

Veterinary clinics and hospitals are well versed in looking after animals and are best situated to assist in the process. There are more than 400 veterinary clinics across Victoria that are regularly presented with lost animals by the public. Veterinary clinics often have lost animals presented on a weekly basis - some clinics reporting very high weekly numbers. On occasion, veterinary clinic staff are criticised and, at times, abused by the public when adhere to the legislation and advise the presenter of the lost animal that they are not permitted to scan the lost animal for a microchip.

The general public is mostly unaware that veterinary clinics cannot legally provide this community service. They understand that a lost animal requires microchip scanning and they know veterinary clinics can perform this. They do not understand that, without an 84Y agreement, it makes it illegal for veterinary clinics to do so. A breach of this legislation attracts a fine of 5 penalty units (currently \$826.10).

Clinics are generally open for extended hours at least 6 days per week, with many open 7 days per week - in addition to offering an after-hours service. Veterinarians are registered and authorised to access information of microchipped companion animals via animal registries and it seems logical that they should be permitted to reunite lost pets directly with their owners. The public recognise veterinary clinics as centres of animal health and welfare and are therefore, logically, chosen as an appropriate destination for a lost pet. All lost pets are in need of care - whether injured or not.

The AVA have addressed each section of the *Reuniting lost pets Issues Paper* and have set out recommendations for reform that can be implemented effectively to allow veterinarians to reunite lost pets with their owners, ensuring local councils also have access to this information.



Recommendation for Reform

Section 37 of the Domestic Animals Regulations 2015 requires that an animal registry service must “ensure the prompt reunion of any prescribed animal implanted with a permanent identification device with the owner of the animal.” Applying logic to this, if veterinarians can assist with this process, it should be implemented within legislation. The following points are relevant in consideration of legislative amendment:

- Registered veterinary practitioners that are authorised implanters currently have authorisation to access animal registry information via online or via telephone
- Central Animal Records (the animal registry service that holds information for the majority of Victorian animal microchip registrations) have a telephone service or an option online that requires recording of the purpose for accessing microchip information or informing the telephonist that deals with the inquiry - the veterinarian needs to be identified and is required to indicate the purpose of the accessing, eg. “Loss and Recovery”, “Injury”. All animal registry services should be required to offer this option and report on this as requested by council
- *Section 43(b) of the Domestic Animals Regulations 2015* identify that an animal registry service must not charge a fee for providing access to any information kept in a record and maintained by the licence holder relating to a prescribed animal. This includes authorised council officers appointed under *Section 72 of the Domestic Animals Act 1994*
- Councils, therefore, could request regular reports from the animal registries that would identify any lost animals that have been reunited by veterinarians. Declared dangerous dogs would also be identified if they had been lost and reunited with owners by veterinarians. It would be reliant on each council as to how this information received is treated, eg. issue correspondence, warnings, fines, perform inspections for repeat offences etc

The AVA also suggests the following be considered:

- That veterinary clinics have discretion as to whether they wish to offer this service
- That veterinary clinics have discretion as to whether fees are charged to an owner collecting a lost animal for boarding and/or cleaning expenses, especially when collection does not take place within a reasonable time
- That when an owner cannot be contacted, the veterinary clinic must contact local council to arrange collection

In practical terms, the process the AVA recommends is:

1. Lost animal is presented to veterinary clinic by a member of the public. Details of the person presenting the animal and location of where the animal was found are recorded by the veterinary clinic
2. Animal is scanned by the veterinary clinic and the animal registry is contacted if a microchip is present. Injured animals receive immediate and appropriate medical treatment by the veterinarian. Lost animals are isolated to prevent any possible infection. If there is no microchip, local council is contacted to organise a handover of the animal



3. If the animal is suspected of being involved in a dog attack, local council is contacted immediately. The animal registry is not contacted unless directed by local council
4. If owner details are available from animal registry, the veterinary clinic records the purpose of accessing the record with the animal registry
5. Veterinary clinic contacts the owner to arrange collection (or treatment consent/instructions if animal is injured)
6. Reunion of the lost animal with owner requires the veterinary clinic confirming identity of the owner (or the owner's authorised agent) and the owner/authorised agent is required to sign a document that collection has taken place. Any expenses incurred by the veterinary clinic for this service may be charged to the owner at the veterinarian's discretion
7. Animal registry service notifies council of incident via regular reporting. Council has discretion as to what actions are then taken with owner. Further information about particular incidents can be requested by council from the veterinary clinic involved

Animal welfare and safety

Veterinary clinics are generally well equipped to accept lost pets presented to them and to ensure the best outcomes for animal welfare and animal safety.

Veterinary clinics are experts in animal health and welfare and have processes and protocols in place that provide safety for animals, clients and staff members. Veterinary clinics deal with various animal behavioural issues regularly and are well aware of the effect that an animal being in unfamiliar surroundings may pose. Precautions that provide safety for all involved are always taken in these situations.

Veterinary clinics are trained in both infection and quarantine control and are therefore capable of isolating animals if required. The *Veterinary Practitioners Guidelines* require veterinarians to assess the biosecurity risk to their property and to take appropriate measures to minimise those risks. Veterinary clinics have established designated isolation area/s within their property to allow for an animal to be isolated if required.

Under the *Prevention of Cruelty to Animals Act 1986 (POCTAA)*, a veterinarian must provide at least basic first aid treatment and pain relief to any animal. Under *Section 24D of POCTAA* it also permits a veterinarian to humanely euthanise an animal if necessary. The *Veterinary Practitioners Guidelines* states that a veterinarian must "take appropriate measure to minimise or alleviate the pain, suffering, or distress of any animals presented for emergency treatment as far as reasonably possible, irrespective of the prospect of receiving payment for the treatment rendered." Not providing emergency treatment could result in prosecution under *POCTAA* or unprofessional conduct under the *Veterinary Practice Act 1997*. Veterinarians are therefore legally required to provide immediate emergency care for a lost animal.

Currently, a veterinary clinic that does not have an 84Y agreement with council can scan a lost animal for a microchip if it presents as injured. If microchipped, the veterinarian has a legal obligation under the *Domestic Animals Regulations 2015* to provide the licensed animal registry service, on which the microchip is listed, with the details of the person presenting the injured animal. It is then the licensed registry's responsibility to contact the owner, unless the owner has previously consented to their



information being provided, for the purpose of reuniting. This proposal presented by the AVA seeks to ensure that all veterinary clinics (regardless of an 84Y agreement) are able to contact animal registries and directly contact the owner of the lost animal.

Impoundment and the keeping of an animal in unfamiliar surroundings has negative impacts and should be avoided as much as possible. A study assessing stress levels of dogs in shelters showed that dogs confined in a shelter for the 1st, 2nd or 3rd day had higher cortisol levels than did a group maintained in a shelter for 9 days. The cortisol concentrations of dogs during their first day in the shelter were greater than either those of the same dogs on Day 4/5 in the shelter or those of a group of pet dogs sampled in their own homes. There was no overall effect of 20 minutes of social interaction with a human (e.g., petting) on the plasma cortisol levels of dogs in the shelter on Day 1–3 [Hennessy, M.B., et al., *Plasma Cortisol Levels of Dogs at a County Animal Shelter*. *Physiology & Behavior*, 1997]. There is also a heightened risk of infection when impounded at shelters, eg. kennel cough and parvo virus for dogs and feline influenza for cats.

Public safety

Public safety is an important consideration with such amendments. The AVA believes that our proposal does not compromise this element. If veterinarians consider that the lost animal presented was involved in a dog attack, then the council should be notified immediately by the veterinary clinic to progress a council investigation into the matter.

Veterinary clinics are acutely aware of privacy laws, particularly with regard to not divulging any ownership, medical or other details. The AVA recommends that a prescribed release form is kept by the veterinary clinic for every lost animal that is returned. This information could then be accessed by council via request to the veterinarian as necessary.

Perceptions by the public include that if a lost pet is delivered to council, it will be costly for the owner to retrieve their animal and that if the animal is not microchipped, it will be euthanised. The general public place greater trust in veterinary clinics than councils to take care of lost animals and therefore a common preference is to present a lost animal to a veterinary clinic. Veterinary clinics are presented with lost animals regularly during after-hours and over weekends – especially emergency veterinary clinics that operate on a 24-hour basis. Animal registries are legally required to offer 24-hour service. Local councils are not always available on a 24-hour basis to address lost animal situations and in regional municipalities, collecting animals from council pounds can result in owners being required to travel long distances – adding to the stress of both the animal and the owner.

Handover options

It is very commendable that when the public come across what they perceive to a lost animal, they seek to hand it over to a council, animal shelter/pound or a veterinary clinic for the safety and welfare of the animal and to increase the chances of a speedy reunion with the owner. The public is not privy to the details of the legislation in this regard - and in particular the 84Y agreement provisions that, in effect, grossly restrict and legally prevent veterinarians from meeting expectations of the general public. A common-sense approach must be legislated that allows for a lost animal to be presented to any of these three options. If animal welfare is truly the main objective, then amendments to legislation must happen.



The AVA's proposal seeks to ensure that all veterinary clinics that are willing to assist with reuniting lost animals with their owners is done legally, efficiently and transparently with the welfare of the animal involved being the highest priority.

If particular veterinary clinics do not wish to provide this service, they can direct the person presenting the lost animal to local council, a shelter or an alternative clinic that offers this service. In the event that the lost animal is not microchipped, or where an owner of a microchipped lost animal cannot be contacted by the veterinary clinic, that lost animal must be handed over to local council. Not being able to contact the owner of a lost animal that has a microchip may occur due to the microchip registry reflecting out-of-date contact information such as the ownership not being transferred to the owner from a breeder, phone disconnections, an unregistered microchip or the incorrect information appearing due to human error.

Section 84Y agreements

Current legislation dictates that only registered animal shelters and veterinary clinics that have entered into an 84Y agreement with local councils are legally allowed to accept lost pets.

It should be noted that various councils across Victoria have refused to enter into 84Y agreements with veterinary clinics. Furthermore, some local councils that have proposed 84Y agreements with veterinary clinics have included clauses into the 84Y agreement that are extremely onerous on veterinary clinics and have subsequently been rejected by veterinary clinics. An example of such a proposed clause is that if the lost animal is not registered, that the veterinary clinic be required to process the registration and collect payment on behalf of the local council.

84Y agreements between local council and contracted animal shelters are considered essential due to the extensive and more complex relationship, eg. reporting, impounding, adoptions, financial considerations, etc. The AVA's proposal does not seek to impact or influence the relationship between local councils and or shelters/pounds or rescue clubs that have Section 84Y agreements.

Compliance issues

The AVA is very supportive of both the permanent, implanted microchipping system and the council registration system with local council [AVA policy - The responsible ownership of dogs and cats and the human-animal bond]. The AVA acknowledges that local council is the primary regulator for monitoring compliance with the requirements of the *Domestic Animals Act 1994*. This includes pet registration and containment. Electronic identification of animals is a national concern and the AVA supports a move to more nationally consistent legislation on registry operation and management [AVA policy - Electronic identification of animals].

It must also be acknowledged that there is confusion amongst the general public of their obligations in relation to microchipping and registration. It is often not intentional that pet owners fail to fulfil the obligations of both microchipping and registration. Many pet owners are not aware of the differentiation between the two systems. The majority of pet owners understand that the permanent implantable identification (microchip) system is reliable and leads to higher instances of reunion with owners and therefore it is seen as an important benefit. The AVA is concerned that pet owners do not identify a clear and appreciable benefit of the council registration system - but perceive it more as a revenue raising activity for local council. Dog owners may recognise much greater value from funds generated by registration that are used to build and maintain local dog parks but cat owners that confine their cats indoors have difficulty identifying any benefits of registration.



Some local councils have chosen to adopt a clear benefit of registration platform, eg. if your pet is found to be at large (wandering or lost), if registered, there will not be a fine for the first time this happens. This is a valuable benefit that pet owners see as insurance to avoiding a large fine. This type or other beneficial initiatives should be considered by all local councils.

A collaborated approach by state government and local councils in regard to communicating responsible pet ownership obligations and initiatives could be vastly improved. Much can be learnt from Calgary, Canada who introduced *The Calgary Model: Encouraging Responsible Pet Ownership*. This model is widely respected and considered by many to be the best animal control model in the world. *The Calgary Model* was brought about by collaboration of relevant stakeholders such as veterinarians, welfare agencies and rescue groups that then produced an education program for pet owners that encapsulated the animal services available such as desexing, reuniting of lost animals with owners and medical care.

The Calgary Model provided for investment in training for animal officers in community relations, conflict resolution and situations involving domestic violence. It also implemented compassionate measures such as waiving fees for low income persons and ensuring safety for pets involved in domestic disputes. *The Calgary Model* promotes the value of licensing (equivalent of Victoria's registration) and provides resources in regard to caring for pets and educating pet owners about nuisance behaviour.

The Calgary Model incentivises compliance with the 'promise to return' lost pets (licensing ensures your pet gets 'a ride home' if they get lost) and a rewards program for license holders (discounts at local retailers).

The Calgary model has been extremely successful and led to:

- having the highest rates of licensing compliance in the country: 90% for dogs and 50% for cats. (The average for cats in Canada is 5-10%)
- 47% of cats brought into the shelter in 2012 were reunited with their owners, and a further 25% were adopted out to new homes. (The national average for cats being reclaimed from shelters in Canada is around 5%)
- more than 10,000 animals were sterilised through the no-cost spay/neuter program between 2006 and 2016
- 97 cats entered unowned cat-care programs via the Meow Foundation in 2009; by 2016 that number was only 48

Legislative amendments that allow veterinary clinics to return lost animals are a perfect opportunity to educate the public on their obligations in regard to responsible pet ownership which includes both microchipping and council registration.

Legal and financial issues

Although veterinary clinics are not specifically established to look after lost pets for extended periods, they are equipped to house animals requiring care - as some animals require lengthy stays at veterinary clinics for medical treatment. The AVA does not foresee any issues of veterinary clinics holding lost animals for a reasonable length of time, eg. overnight if required.

As mentioned earlier in this proposal, veterinarians are permitted to scan an injured lost animal and contact the owner for the purpose of seeking consent for treatment. Veterinarians are not authorised under legislation to hold animals in lieu of payment, therefore there is no risk of a large number of animals not being collected. Lost animals that are not collected in a reasonable time would be handed over to local council.



Suggestion that a veterinarian may return a lost animal to a previous owner because the microchip details are not current, poses no increased risk compared to a veterinary clinic or shelter that has an 84Y agreement with local council currently as they would each be guided by the microchip registry information.

There is no clarity in the *Domestic Animals Act 1994* as to whether microchipping or council registration is prioritised to determine ownership of an animal and therefore the AVA cannot foresee veterinary clinics being found liable if a lost pet is inadvertently returned to a previous owner due to out-of-date microchip details. The AVA believes this would be a rare event if it ever occurred. A solution to this would be that data from council registration and microchip registration were compared and resolved on a regular basis.

Privacy and data accuracy considerations

Section 63H(2) of the Domestic Animals Act 1994 legislates that the animal registry is restricted in who they can provide ownership details to, unless the owner consents to the details being made available for the purposes of reuniting them with their animal.

If this consent provision is found to not be widely used by vets or animal registry services, or unknown to the public - this provision should be deleted. When microchip registration occurs, it should be noted that details can be accessed by authorised persons for the purposes of reuniting pets with their owners. Surely this is the purpose of microchipping.

References

Hennessy, M.B., et al., *Plasma Cortisol Levels of Dogs at a County Animal Shelter*. *Physiology & Behavior*, 1997. **62**(3): p. 485-490.

AVA policy - The responsible ownership of dogs and cats and the human–animal bond
<https://www.ava.com.au/policy-advocacy/policies/companion-animals-management-and-welfare/the-responsible-ownership-of-dogs-and-cats-and-the-human-animal-bond/>

AVA policy – Electronic identification of animals
<https://www.ava.com.au/policy-advocacy/policies/identification-of-animals/electronic-identification-of-animals/>

The Calgary Model: Encouraging Responsible Pet Ownership
<https://catsandbirds.ca/blog/the-calgary-model/>

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