

Review 2023 of Domestic Animals Regulations 2015

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The survey can be found [here](#)

Introduction Q1

Q 1

Other - The Australian Veterinary Association (AVA) is the national organisation representing veterinarians in Australia. The AVA consists of over 7600 members who come from all fields within the veterinary profession. Clinical practitioners work with companion animals, horses, farm animals, such as cattle and sheep, aquatic animals, and wildlife. Government veterinarians work with our animal health, public health, food safety and quarantine systems while other members work in industry for pharmaceutical research and development and other commercial enterprises. We have members who work in research and teaching in a range of scientific disciplines. The Association also has strong membership amongst our future veterinarians who are currently training in Australia's veterinary schools.

Microchipping Q2-7

Q 2 Do you consider the current microchipping regulations to be acceptable? NO

Q 3 Please see answer to Q4

Q 4

From the AVA Microchip Committee (Drs Doug Black, Onn Ben David, Ted Donelan and Michael Hayward)

6/12/23

General Statements

1. These remarks are based on the Regulations (<https://content.legislation.vic.gov.au/sites/default/files/2022-10/15-136sra009%20authorised.pdf>), but recognise that other publications, especially <https://agriculture.vic.gov.au/livestock-and-animals/animal-welfare-victoria/domestic-animals-act/registration-legislation-and-permits/microchipping-of-dogs-cats-and-horses/microchipping-for-authorised-implanters#h2-1> provides more detail than the Regulations and should be considered at the same time as the Regulations
2. The AVA recommends that the Regulations be re-drafted, incorporating information from the second reference above, such that a single document provides clear and complete guidance to all those involved in the microchipping, identification and return of domestic animals. Issues relating to the management of domestic animals (typically Council responsibilities) should be incorporated also. Having to source information from several sites can lead to confusion and error.
3. These regulations deal with sentient animals which provide great value to their owners and to society in general (not ignoring risks associated with zoonotic disease, injury from such animals, nuisance and loss of amenity factors). Appropriate management, considering the above, should be adapted over time based on, amongst other things, analysis of data collected by Government, Registries and other sources about these animals. The AVA calls for public availability of data and statistics so that relevant parties can analyse and make recommendations for improvement, for the benefit of the animals, their owners, and society as a whole.

4. The usefulness of and benefit from the Regulations could be enhanced by the development of various best practice Standard Operating Protocols, some of which could be (as currently) based on AVA material. These could serve as a reference for those involved, as well as for training, with the intent of increasing rates of compliance and hence beneficial outcomes.
5. The current regulations and any and all proposed changes in the provisions about animal identification, microchipping, registry operations and the like, should be tested against the fundamental criteria of easily and effectively reuniting animals with their owners. This includes calling for a change to the current restrictions limiting an owner's ability to list an animal on more than one registry and moving the animal to the registry of the owner's choice. This facility is particularly important where the primary of compulsory registry (e.g. NSW Companion Animal's Register, the new South Australian register, and the Greyhound register), provide more limited or no access to aid animal identification based on microchip number.

Specific comments

Definitions -

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;

While the Regulations refer to the Australian Standards, the standards also include Annexes (especially AS5019 Annexes ZA and ZB) which form part of the Australian Standard and yet provisions of these annexes are NOT observed in Victoria. The Review should consider the clauses of the Annexes and how they should be incorporated into Victoria Legislation, Regulations and in practice.

"prescribed animal" means an animal of a prescribed class of animal; *(with no further definition)*

this is a circular definition. It should clearly state that a prescribed animal is a dog, cat or a horse

Part 3 – Permanent Identification

Re: Reg 14 (a) (iii) (B) the first 3 digits of which are the code allocated to the manufacturer of the device by the International Committee for Animal Recording

This needs updating as ICAR (The International Committee for Animal Recording now reserve the first SIX digits for the manufacturer's code (to provide for the increasing number of manufacturers internationally)

Re: Reg 12 (a) (va) the source number of the breeder of any dog or cat

The Source Number is held by the “Pet Exchange Register”

<https://agriculture.vic.gov.au/livestock-and-animals/animal-welfare-victoria/domestic-animals-act/pet-exchange-register> and the reference should be changed to reflect this.

Re: Reg 12 (a) (xi) the name and business address of the person who implanted the permanent identification device

It would be better to ask for the Number of the authorised implanter (with or without the contact details)

It appears that although it is not compulsory for an authorised implanter to have an Axxxx number

Authorised implanters without a unique Axxxx number

As an authorised implanter you do not need to be recorded on the department's implanters database with an Axxxx to be able to microchip cats and dogs.

<https://agriculture.vic.gov.au/livestock-and-animals/animal-welfare-victoria/domestic-animals-act/registration-legislation-and-permits/microchipping-of-dogs-cats-and-horses/microchipping-for-authorised-implanters#h2-1>)

It would be more logical if all authorised implanters working in Victoria, were required to have an Axxxx number. The facility to collect implanter name and address would still be required for animals microchipped outside of Victoria, where implanters are not required to be listed on the Victorian implanters database.

The list of authorised implanters (held by the Victorian Government) should be linked by an API to the database of the Registries to facilitate data entry (currently the Registry has to manually search the Vic Gov authorised implanters database to verify the status of the implanter).

Re: Reg 12 Prescribed identifying information (b)

Add Clause (v) the owner’s email address and

(vi) the email address of a person (other than the owner)

Re: Reg 15 Prescribed information to be provided to licence holders

(1) For the purposes of section 63(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.

Re: Reg 15 (1) (b) an allocation list linking the identification number to the person to whom the device was sold or supplied for the purpose of implantation

The “allocation list” refers to the “skeleton record” referred to in AS 5019
ZB2.2 Skeleton records

Distributors should place all their skeleton numbers on the registry of their choice. The registry Service Provider will check the skeleton records for number duplication and verify that they have been entered onto the national database and are unique

This is an example of a part of the Annexe to the Australia Standard which should be enforced. We recommend the word “should” be replaced with the word “must”.

The Source number, implanter number and allocation list should all be linked to registry databases by API.

Having the skeleton records listed on any one of the 6 Registries currently authorised in Victoria adds to the difficulty of finding the skeleton record (search 6 databases). This would be easy if access to skeleton records on databases were linked by an API, or if the records were listed on ALL the Registries. A better solution would be a single database holding manufacturer and importer details and the allocation list (skeleton records) to which all Registries could have access (via API).

Re: Reg 19 Scanning for permanent identification devices

- (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

Insert the word “slow” “two” and “sweeps” in both places.

We recommend a SOP for scanning, based on the AVA video and other material. Reference could be made to AS 5019 Annexe ZA3.1, which refers to a scanning speed of 0.5 m / sec. This could be enhanced with an example such as “one second for a sweep from the nose to tail of a small dog and 2 seconds for a large dog”.

The definition of a scan on <https://agriculture.vic.gov.au/livestock-and-animals/animal-welfare-victoria/domestic-animals-act/registration-legislation-and-permits/microchipping-of-dogs-cats-and-horses/microchipping-for-authorised-implanters#h2-1> should be incorporated into the regulations

Re: Reg 25 Application for the grant or renewal of an animal registry licence

- (1) (a) (iv)
remove “Facsimile number”

Re: Reg 25 (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

If, as we understand, such insurance is compulsory, the word “any” should be replaced with “the”

Re: Reg 28 (1) “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.” –

*change to “attempt to compare with current and skeleton records held on **all** other registries operating in Australia”*

Re: Reg 31 Prohibition on moving an animal record between animal registry services (not establishing a record for a prescribed animal unless

(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.”

This requirement is limited to checking registries licenced in Victoria, therefore excluding the need to check the NSW CAR and the new SA register. Failure to check these registers and ensure these less accessible databases hold current information may lead to failure of the animal being reunited with the owner. This may occur if the finder only checks out of date details held by one of the registries.

Pet Address <http://www.petaddress.com.au/> , the “common portal” for identifying which Registry lists a microchip / animal, can be updated to automatically report the most recently updated record. This obviates concern about accessing an outdated record if a newer one exists on another registry). However, it cannot check the NSW and SA State registries – these registries have not allowed access, to the detriment of pet-owner re-unification.

We recommend that the Victoria government works with these other States to open up access to their databases for animal recovery purposes.

*Similar concern exists Re: **Reg 39 (2) (a)** “immediately contact other licence holders to determine whether a record relating to a prescribed animal is kept by another licence holder; and....”*

This regulation (that an animal may not be listed on more than one registry, and cannot be moved from one registry to another) only occurs in Victoria. In other States and Territories, no such regulation exists. In Queensland, an owner can choose to transfer an animal from one registry to another.

This is consistent with natural justice. Under Queensland legislation, the registry from which the animal was removed must “inactivate” (but not delete) the record.

Pet Address <http://www.petaddress.com.au/> , the “common portal” for identifying which Registry lists a microchip / animal, can be updated to automatically report the most recently updated record. This obviates concern about accessing an outdated record if a newer one exists on another registry

The ability to register an animal on the Registry of the owner’s choice is particularly important for animals which may have been originally microchipped in NSW (or SA), but, for example, now reside in Victoria. The NSW and SA registers are far less accessible to all

involved parties than are the National registers authorised in Victoria, and it makes sense for these animals to be co-registered on one of the National registers.

Another example are greyhounds, which when bred for racing must be registered on the Victorian Greyhound Register. Current regulations prohibit co-registration or moving of the animal's details to a National register. The Greyhound register may be harder to access, and is not linked to Pet Address.

Re: Reg 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.

BUT Regs 57 and 58 prohibit the registry from establishing a new record unless

(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;

We understand there is an unwritten agreement about how much of the prescribed identifying information is considered critical and is sufficient for the record to be established, and how much is “not critical” and can be sought and added later. Given that establishing (and making available) the record may be critical to the animal being given life saving treatment and being reunited with its owners, the record should be established as soon as possible, the minimum data to enable establishment of the record should be defined in the regulations, with the proviso that every effort will be made to acquire and publish all the mandated identifying information.

Further recommendations

The AVA calls for mandatory microchipping (and registration on a Vic. licensed Registry) for all recreational horses. There is a significant issue of inability (of council rangers, for example) to identify horses in paddocks or straying horses. Racing horses (Thoroughbred or Standardbred) are all implanted with microchip specified by their racing authorities, but the microchip may not be listed on a Victorian authorised registry. When these horses retire, they are often sold to be recreational horses. In our opinion, they should all be required to be registered on one of the Victorian registries which can list horses, maintaining their antecedent information and with current owner information (and perhaps location).

Currently, the racing industry specifies FDXB chips and tens of thousands of such horses are already so implanted. These chips can be easily read by transceivers (readers) widespread in the Australian community – used by all veterinarians, welfare organisations and regulatory authorities (councils and the like). There may be a move amongst racing horses organisations for a change to HDX (half duplex) technology, which is unable to be read by most transceivers (readers) in the general community. This would mean either:

- A) *The Australian transceiver (reader) network would need to be expanded to include HDX reading technology or*
- B) *horses implanted with an HDX chip as foals would need to be implanted with a new FDXB chip in order for the horse to be readily identified by veterinarians, welfare organisations and Rangers.*

Any such move toward adoption of HDX technology in the Australian racing industry should be resisted.

All animals retiring from competition (racing etc) and becoming companion animals (pets) should be required to have their microchip details listed on a National register.

The Victoria government (and all governments) should enforce the need for

- *A central registry of all importers / suppliers of microchips in Australia*
- *All importers / suppliers of microchips to provide details of the manufacturer of the microchips they plan to import*
 - *This to include the manufacturer's ICAR code (which will be present as the first 6 digits of every microchip) from ICAR registered manufacturers*
 - *This de facto establishes uniqueness of every microchip*
- *The unique number of every microchip imported to be uploaded to the "Allocation List" = the skeleton record*
 - *The skeleton record must include*
 - *The manufacturer of the chip and their ICAR assigned manufacturer code*
 - *The importer / distributor of the chip*
 - *The chips unique 15 digit code*
 - *The retailer and / or wholesaler to whom the chip has been supplied*
 - *Example*
 - *Microchips are us Pty Ltd, Shanghai, China (Manufacturer code 965432*
 - *We sell microchips, Double Bay, NSW*
 - *(Chipping Norton Veterinary Clinic OR Joe Bloggs implanter*
 - *Authorised implanter code*
 - *The skeleton record then enables tracing of animals whose chips have not (yet) been registered on a database – the implanter who purchased the chips can then be contacted to find out the ID of the animal they implanted with the chip (and be admonished for failing to register the chip and animal with a database).*
 - *It forms the basis of the animal's lifetime ID, if, for example, it changes hands*
- *The allocation list must be available to all Australian microchip registries*

The regulations should be brought up to date to match the information provided here
<https://agriculture.vic.gov.au/livestock-and-animals/animal-welfare-victoria/domestic-animals-act/registration-legislation-and-permits/microchipping-of-dogs-cats-and-horses/microchipping-for-authorised-implanters#h2-1>

Q 5 Please see answer to Q4

Q 5 Please see answer to Q4

Q 7 N/A

Dog Obedience Training Organisations (DOTO) Q8-13

Q 8 Do you consider the current applicable Organisations (AO) and Dog Obedience Training Organisations (DOTO) regulations to be acceptable? NO

Q 9 Please see answer to Q 10

Q 10 The AVA holds concerns regarding the lack of regulation in the dog training industry. This lack of oversight can lead to the dissemination of misinformation and outdated training techniques, such as aversive methods, which can contribute to behavioural problems in dogs.

It is essential to collaborate with relevant organizations and veterinary subject matter experts, such as Veterinary Psychiatrists (previously known as Behavioural Specialists), the AVA, and accredited providers offering courses in animal behaviour and training.

These partnerships can help establish a regulatory board for the dog training industry, ensuring that trainers have the necessary qualifications and regularly update their knowledge based on international scientific evidence.

Q 11 Please see answer to Q 10

Q 12 Please see answer to Q 10

Q 13 N/A

Commercial Dog Breeding (CDB), Animal Sale Permit (ASP) and Declared Bird Organisation (DBO) Q14-19

Q 14 Do you consider the current Commercial Dog Breeding (CDB), Animal Sale Permit (ASP) and Declared Bird Organisation (DBO) regulations to be acceptable? - NO

Q 15 Please see answer to Q 16

Q 16 The AVA recommends the following AVA policy should be considered in drafting prescribed and approved information: <https://www.ava.com.au/policy-advocacy/policies/companion-animals-commercial-activities/puppy-farming/>. This policy includes : Dog Breeder Standards; Enforceable Dog Breeder Standards are an important tool to support investigations and prosecutions of suspected puppy farming activities or to form the basis of regular compliance inspections linked to breeder identification renewals.

These Standards should be adopted into legislation as compulsory codes under the respective state animal welfare legislation.

Dog Breeder Standards should include chapters covering at least the following topics: responsibilities of owners; animal health and veterinary care; housing and environment, hygiene and management; breeding and rearing; socialisation and environmental enrichment;

management of inherited disorders (that include behavioural, skin, musculoskeletal, cardiac); transfer of ownership and requirements for identification.

Specific Standards should include:

minimum age of breeding, maximum number of litters in a lifetime of a breeding bitch, maximum age of breeding; appropriate preventative health regimens including veterinary examinations; management of breeding activities including mating and whelping; rearing, weaning, socialization and practices that promote behavioural health and wellbeing; housing and space requirements; and requirements for record keeping.

Additional criteria points for consideration could include; • The applicants capacity/resources to fund veterinary services

- The applicant has undertaken education/training required to breed responsibly eg
- Pre-breeding screening of heritable defects eg hip/elbow scoring, Brachycephalic program* (a person who is not a registered breeder could still be breeding in a manner that negatively impacts on these traits)
- The applicant demonstrates an understanding of normal mating, pregnancy and whelping – in order for them to be able to identify when veterinary advice/services are required
- Demonstrated an understanding of normal neonatal puppy health, rearing/weaning of pups, health care (vaccination regime, parasite control, nutrition), behaviour management of pups in preparation and during going to new homes
- The applicant must be a client of a registered veterinary service so that information, support and services are available during regular hours
- The applicant must nominate an After Hours veterinary service that will be used if their nominated veterinary practice does not provide 24/7 services. * For brachycephalic breeds, this must include the requirement that information on BOAS be provided to a potential owner and this information advises that surgical procedures to address BOAS may be required to improve the quality of life of the dog.

Q 17 Please see answer to Q 16

Q 18 Please see answer to Q 16

Q 19 N/A

[Pet Exchange Register \(PER\) Q20-25](#)

Q 20 Do you consider the current Pet Exchange Register (PER) regulations to be acceptable? - NO

Q 21 Please see answer to Q 22

Q 22 The AVA strongly recommends that that the AVA policy: Companion animals in pet shops (<https://www.ava.com.au/policy-advocacy/policies/companion-animals-commercial-activities/companion-animals-in-pet-shops/>) and the AVA guidelines for Companion animal management and welfare (<https://www.ava.com.au/policy-advocacy/policies/companion-animals-management-and-welfare/animal-shelters-and-municipal-pounds/>) be utilised as standards for approval and renewal of pet shops.

With regards to whether a particular breed of dog will be procured for sale and what strategies will be in place to obtain particular breeds, the AVA recommends referring to the RSPCA/AVA "Love is Blind" campaign (<https://www.ava.com.au/love-is-blind/>) and the AVA Brachycephalic

policy (<https://www.ava.com.au/policy-advocacy/policies/companion-animals-health/brachycephalic-dog-breeding/>). This should be used for forming pet shop procurement and adoption policy, especially regarding transport of Brachycephalic breeds.

Q 23 Please see answer to Q 22

Q 24 Please see answer to Q 22

Q 25 N/A

Dangerous Dogs (DD) and Restricted Breed Dogs (RBD) Q26-30

Q 26 Do you consider the current Dangerous Dogs (DD) and Restricted Breed Dogs (RBD) regulations to be acceptable? - NO

Q 27 Please see answer to Q 28

Q 28

In 2012 the AVA published a comprehensive report (Dangerous Dogs – A Sensible Solution) into the management of dog aggression in the community. The report is as relevant today as it was then.

The report sets out the facts about dog bites in Australia, along with a detailed critique of breed-specific legislation that bans particular breeds of dog perceived to be more inclined to be aggressive.

The AVA, along with the national veterinary associations of Britain, the United States and Canada, recognise that breed-specific approaches to dog regulation are not effective, as they don't protect the public by reducing dog bite incidents.

Dog bites are the result of a complex behaviour caused by the interaction of many factors. While regulation is an important foundation, an effective policy response to reduce dog bites must also include:

- Identification and registration of all dogs.
- A national reporting system with mandatory reporting of all dog bite incidents to the national database.
- Comprehensive education programs for children, parents, pet owners and dog breeders.
- Enforcement of all dog management regulations.
- Temperament testing to understand the risks and needs of individual animals to help owners make more appropriate choices for their new pets, and to guide breeders to improve the temperament of puppies.
- Resourcing is often a major barrier to effective enforcement. This problem needs to be addressed to achieve tangible reductions in dog bite incidents.

We are advocating for a legislative approach based on identifying individual potentially dangerous animals and giving local government authorities the power to intervene before they inflict harm.

This is the message that we have delivered in every state and territory when these issues arise. In 2011, Victoria introduced bans of 'pit-bull' type dogs. This was part of the AVA's motivation for the 2012 report.

The AVA and RSPCA were strong advocates to get the Victorian legislation repealed and a Parliamentary Committee conducted an inquiry. The Inquiry found that, "... that Victoria's current system of identifying and dealing with restricted-breed dogs is not working." ^[1]

The Committee also found that,
“...there is insufficient and sometimes contradictory evidence on whether Pit Bulls (however identified) pose a greater risk to public safety than other breeds.”^[2]

Ultimately the evidence base for the legislation was found to be lacking and the legislation itself was very difficult to implement. In a victory for the AVA’s evidence-based approach, the Victorian breed specific legislation was repealed in 2017.

This is an issue that is raised regularly in different states and territories. It will, no doubt, raise its head again elsewhere.

[1] <https://new.parliament.vic.gov.au/get-involved/inquiries/inquiry-into-the-legislative-and-regulatory-framework-relating-to-restricted-breed-dogs/reports>

[2] <https://new.parliament.vic.gov.au/get-involved/inquiries/inquiry-into-the-legislative-and-regulatory-framework-relating-to-restricted-breed-dogs/reports>

Q 29 Please see answer to Q 28

Q 30 Please see answer to Q 28

Reuniting pets Q31-35

Q 31 Do you consider the current reuniting pets regulations to be acceptable? NO

Q 32

The legislative change to allow veterinary clinics to return microchipped lost animals directly to their owners was very welcome. The AVA has been lobbying government for such legislative change over many years. Veterinary clinics and hospitals are well versed in looking after animals and are best situated to assist.

Q 33

The veterinary profession welcomes the sensible approach that veterinary hospitals can reunite pets with their owners. However, the institution of regulations without provision for the support of this (public good) work performed by private veterinary hospitals is an example of the lack of consideration for veterinarians to be paid for the work that they provide for public good, in good faith. The regulatory aspect was considered but the support of veterinarians to perform the service in order for it to be successful was not given due consideration.

The additional mandatory council administration imposed at the cost to the veterinary hospital working in good faith (regular 3 monthly reporting (within 14 days) for or risk 4 penalty units) is disappointing and a contributor to the severe viability concerns faced by the veterinary profession for work performed for public good.

Q 34 YES

Mandatory reporting to councils by veterinary hospitals needs to be removed. Veterinary hospitals can collect the required information (48P) but should not be burdened with additional council administration to report without compensation to allow staff to be able to service this requirement.

48Q Prescribed time for giving reports to Councils

For the purposes of section 84DD(2)(c) of the Act, the prescribed time is 14 days after the end of each prescribed period specified in regulation 48P.

Q 35 Additional provision to support the current reuniting pets regulations: Requirements for councils to set up agreements with veterinary hospitals to compensate for the work provided to council.

[Infringements Q36-38](#)

Q 36 Are any of the current infringement penalties in Schedule 5 of the current regulations too high a penalty for the specified offence? N/A

Q 37

Q 38

[Further information Q39-40](#)

Q 39

Q 40 Thank you for the opportunity to comment.