

# **2019 Review of Animal Management (Cats and Dogs) Regulation 2009**

**Discussion paper**

**23 January 2019**

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# 1 Purpose

The purpose of this discussion paper is to support a review of the Animal Management (Cats and Dogs) Regulation 2009 (the Regulation) which will expire on 1 September 2019.

This discussion paper informs, but is not intended to restrict, consultation with stakeholders (major users of the Regulation, primarily local governments, and other agencies that either influence or are impacted by the provisions of the Regulation).

## 2 Objectives of review

To continue achieving the purposes of the *Animal Management (Cats and Dogs) Act 2008* (the Act), the provisions of the Regulation must be reviewed and replaced before 1 September 2019.

The objectives of the consultation to be informed by this paper are to:

- Review the provisions of the Regulation
- Develop and recommend provisions for a replacement regulation or alternative non-regulatory mechanisms to achieve the purpose of the Act.

The scope of the review is limited to the Regulation. Any matters identified throughout the review that are out of scope (i.e. Act, administration, enforcement, compliance) will be recorded separately by the secretariat for consideration by Biosecurity Queensland.

## 3 Reference material

The Regulation is available at: <https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2009-0091>

The Act is available at: <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2008-074>

## 4 Background

The purposes of the Act are to:

- (a) provide for the identification of cats and dogs; and
- (b) provide for the registration of dogs; and
- (c) provide for the effective management of regulated dogs; and
- (d) promote the responsible ownership of cats and dogs; and
- (e) promote the responsible breeding of dogs.

The Act provides for regulations. The specific provisions of the Act for regulations are listed in Appendix 1.

The Regulation commenced on 1 July 2009. Its provisions support the Act which has had very strong community and political support since its inception.

Additional provisions were made to the Act and Regulation through the *Animal Management (Protecting Puppies) and Other Legislation Amendment Act 2016*, particularly to introduce mandatory dog breeder registration and citing of a supply number when dogs are advertised, sold or given away. All significant stakeholders in dog management, and thus in the Regulation, were closely engaged in the development, implementation and refinement of the 2016 dog breeder requirements. During this

close and prolonged engagement, the only significant issue with the Regulation to emerge was inadequate specification of “child-proof” in the context of enclosures for regulated dogs.

## 5 Discussion

As per Appendix 1, there are many instances in which the Act relies on a regulation to prescribe details of standards, classes of animals, courses, information to be provided, etc. It is appropriate for these provisions to be in regulation rather than the act as they may be subject to updating, technological change, or innovation.

There does not appear to be adequate mechanisms to demonstrate or specify these provisions in a consistent and accessible way to enable community recognition and compliance, other than the current regulatory tool. However, consultation may identify alternative mechanisms.

During the close and prolonged engagement with stakeholders to implement dog breeder registration, the only significant issue with the Regulation to emerge was inadequate specification of “child-proof” in the context of enclosures for regulated dogs.

The Regulation contains transitional provisions that are now redundant and should be removed.

An internal review of the Regulation provisions by Biosecurity Queensland has identified the following issues for consideration:

- Australian standards for electronic animal identification (AS 5018-2001 and 5019-2001, Section 4 of the Regulation) are each currently under review; need to monitor during the review, consult with manufacturers or wholesalers, possibly amend details.
- The minimum area for an enclosure is specified as 10 m<sup>2</sup> (S. 9). This requirement is independent of the number of dogs in the enclosure.
- The Act requires an enclosure to be child-proof, but that is not defined. Clarification on what constitutes ‘child-proof’ may be considered (S. 11 or other).
- The current requirement for text on an information sign for a relevant dog (S. 18) may be technically correct but is subject to mis-interpretation; could be clarified.
- Courses and course providers, and qualifications and qualification providers, in relation to authorised implanters requires updating (Ss. 20-22, Schedule 2).
- The Regulation provides an exemption to the requirement for dog registration with the local council of dogs which are kept primarily for producing canine plasma products (S. 30A). Is this exemption still appropriate?
- Decommissioned greyhounds are exempt from any local law that requires them to be muzzled. A decommissioned greyhound must have successfully completed the Greyhound Adoption Program of Queensland offered by Greyhounds Queensland Limited (S. 31). Is this prescribed program still appropriate?
- The Act allows for deferral of some provisions relating to identification of cats and dogs and to dog registration by local councils until dates specified in the Regulation (S. 32). As those dates are all now past, this provision of the Regulation can be deleted.
- Should the prescribed information concerning a restricted or regulated dog, that the local council must give to DAF (Schedule 2), include the microchip (PPID) number?

- Should the prescribed information about an authorised implanter (Schedule 4, s. 3) include the authorised implanter number? Currently, AIN implanters are market-driven to supply that information to microchip registers so the desired outcome is achieved without regulatory requirement, and AINs are not recognised in any legislation.

## **6 Appendix 1 – Act references to Regulation**

### **Section 12**

Prescribe requirements for a *prescribed permanent identification device* (PPID)

### **Section 14(2)**

Prescribe class of dog for which the owner is exempt from the requirement to ensure the dog is implanted with a PPID

### **Section 43E**

Prescribe class of person who is exempt from the requirement to register as a breeder if they breed a dog

### **Section 43W**

Prescribe approved entities for dog breeder accreditation that exempts accredited members from the requirement to register as a breeder if they breed a dog

### **Section 43Y**

Prescribe purposes for which the supply of a dog is exempt from the requirement that the dog be implanted with a PPID

### **Section 43ZD**

Prescribe purposes for which advertising a dog for supply is exempt from the requirement for having a supply number

### **Sections 44, 216(3)**

Prescribe class of dog for which the owner is exempt from the requirement to register the dog with the relevant local government

### **Section 49**

Prescribe (additional) information that a relevant local government must give an owner who has registered a dog

### **Section 56**

Prescribe (additional) information that a relevant local government must give an owner in a registration renewal notice

### **Section 75(4)**

Provides that an application, to a relevant local government for a permit to keep a restricted dog at a stated place in its area, must be refused in a stated circumstance

### **Section 76**

Prescribe a matter that a relevant local government must consider when deciding a permit application to keep a restricted dog at a stated place in its area

## **Section 80(2)**

Prescribe conditions that a relevant local government may impose on a permit Provides that an application, to a relevant local government for a permit to keep a restricted dog to keep a restricted dog at a stated place in its area

## **Section 84(3)**

Provides that an application for renewal of a permit to keep a restricted dog must be refused in a stated circumstance

## **Section 95(6)**

Prescribe (other) information that must be included in an information notice about a declared dangerous dog or declared menacing dog

## **Section 96(2)**

Prescribe (other) conditions for a declared dangerous dog or declared menacing dog, that are not prescribed in sections 97-98

## **Section 104(1)**

Prescribe a person who the chief executive may appoint as an authorised person to investigate, monitor and enforce compliance with the Act

## **Section 104(2)**

Prescribe a person who the chief executive officer of a local government may appoint as an authorised person to investigate, monitor and enforce compliance with the Act

## **Section 105(1)**

State conditions on which an authorised officer holds office

## **Section 105(2)**

Limit the powers under this Act of an authorised person

## **Section 113(5)**

Prescribe a period over which an approved inspection program is to be carried out, if the period is to exceed 6 months

## **Section 142**

Prescribe matters that may, or must, be taken into account by a court when considering whether it is just to order compensation

## **Section 174(2)**

Prescribe (other) information that a chief executive officer of a local government must give to the chief executive of a restricted dog or a regulated dog regulation

## **Section 177(1)**

Prescribe a register about dogs, other than a general register, that each local government must keep

## **Section 197(3)**

Prescribe a program to be successfully completed for a greyhound to be a decommissioned greyhound

## **Section 210**

- (a) class of cat or dog that may be exempt from being:
  - (i) implanted with a PPID; or
  - (ii) tattooed for desexing; or
- (b) class of dog that may be exempt from being registered; or
- (c) the requirements for PPIDs; or
- (d) the way licence holders must keep and maintain PPID information and copies of records from which the identifying information is obtained; or
- (e) the fees to be paid under this Act; or
- (f) information that must be stated on a registration form for the registration of a dog.

A regulation may prescribe a penalty of not more than 20 penalty units for contravention of a regulation.

## **Schedule 1, section 2(3)**

Prescribe information that must be contained on an identifying tag of a declared dangerous dog, a declared menacing dog, or a restricted dog the subject of a restricted dog permit

## **Schedule 1, section 4(4)**

Prescribe the dimensions, quality and type of enclosure and area for a declared dangerous dog, a declared menacing dog, or a restricted dog the subject of a restricted dog permit

Prescribe other requirements for the enclosure and area

## **Schedule 1, section 5(2)**

Prescribe the dimensions, quality and type, and the information contained, of a sign for a declared dangerous dog, a declared menacing dog, or a restricted dog the subject of a restricted dog permit

## **Schedule 2, definition of *authorised implanter***

Prescribe a course for veterinary surgeons about implanting PIDs (sic)

Prescribe a qualification for persons other than veterinary surgeons relating to the implantation of PPIDs

Prescribe a course for persons other than veterinary surgeons about implanting PPIDs

## **Schedule 2, definition of *pet shop***

Prescribe an (other) class or kind of animal that being sold by a shop would define that shop as a pet shop



### **Schedule 2, definition of *PPID information***

Prescribe (other) information about a cat or dog that is PPID information

### **Schedule 2, definition of *tattoo***

Prescribe a way to permanently mark a cat or dog as desexed

### **Schedule 2, definition of *working dog***

Prescribe a class of dog that is not included as a working dog