

DOMESTIC ANIMAL SERVICES

Frequently Asked Questions regarding changes to the *DOMESTIC ANIMALS ACT 2000* and DOMESTIC ANIMAL REGULATION 2001

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LIFETIME REGISTRATION OF DOGS

The ACT Government is proposing a change from annual renewals to a lifetime registration system.

Why is the government proposing to change from an annual system to a lifetime system?

There is a high cost involved with administering annual registration renewals. Lifetime registration will allow staff to perform activities that provide greater benefits for our community, e.g. more ranger patrols, pro-active enforcement activities, and education programmes. Under the new provisions there is no capacity for annual registration. If your dog is currently registered, your dog's registration will be transferred to lifetime registration for the cost of one renewal until 1 May 2009..

How much will lifetime registration cost and what happens if I don't get my dog registered?

A fee of \$40 will be charged for lifetime registration (\$15 for pensioners). Failure to register a dog in the ACT is a breach of the *Domestic Animals Act 2000*. You may receive a fine of \$150 for failing to register your dog.

If I have taken out lifetime registration for my dog and I move interstate sometime in the future, will I get a partial refund?

No.

Is there a difference in the fee if my dog is not desexed?

No, lifetime registration is the same for entire and desexed dogs. There are additional costs if you wish to keep your dog sexually entire. There is a requirement to apply for a Sexually Entire Animal (SEA) permit if you do not want to desex your dog (and/or cat). Please see below under **CAT AND DOG DESEXING** for further details.

COMPULSORY MICROCHIPPING OF DOGS

The new legislation introduces compulsory microchipping of dogs at point of sale and for declared dangerous dogs as soon as the amended *Domestic Animals Act 2000* commences in 2008. Under the new legislation microchipping will be compulsory for all dogs in by 1 May 2011 after a 3 year phase-in period.

What information is on the microchip?

Microchips carry a unique 16 digit number. This number relates to your ownership details. When this number is accessed on the national database it provides the contact details of the owner and details of the dog. Details will include: owner's name, address(es) and telephone number(s); and may include breed, date of birth of the dog; colour; sex; whether or not it is a declared dangerous dog and its breeding status.

Why would I need lifetime registration for my dog if it has to be microchipped?

Microchipping is a form of permanent identification which means a dog's owner can always be identified and the dog quickly returned to its owner if lost, but it does not constitute lifetime registration. Lifetime registration fees help the ACT Government supply the patrolling, pro-active enforcement and education services that Domestic Animals Services rangers provide to the Canberra community and to your dog when needed.

What does 'compulsory microchipping at point of sale' mean?

The new legislation introduces compulsory microchipping of dogs at point of sale. This means that dogs which are at least 12 weeks old must be identified by microchip when sold. A dog will not be required to be microchipped if it is less than 6 months old; or a vet has certified in writing, before the dog was 12 weeks old, that microchipping would be a serious health risk to the animal.

When will compulsory microchipping of declared dangerous dogs be introduced?

Dangerous dogs must be microchipped after the commencement of the Act in order to make sure that they are readily identifiable in the ACT and when they arrive from Interstate. The Registrar of Domestic Animals Services may declare a dog to be dangerous in three ways:

- (1) a dog has been trained as a guard dog or is kept as a guard dog;
- (2) a decision has been made under equivalent state or territory law to declare a dog to be dangerous; or

(3) the Registrar of Domestic Animals Services declares a dog to be dangerous because it has attacked or harassed a person or animal.

Where can I go to get my dog microchipped?

Any vet can implant a microchip into your pet.

If my dog already has a microchip from another State or Territory, will I need to have this replaced?

No, but it is important that you contact the Domestic Animals Services registry which is linked to your microchip to update your new contact details. If you do not know which registry or database stores the microchip information, contact Domestic Animal Services (DAS) or your local vet to check the details for you.

What if I have a really old dog? Do I still have to get it microchipped?

Under the new legislation, all dogs in the ACT will need to be microchipped after a three-year phase-in period has elapsed following commencement of the amended *Domestic Animals Act 2000* in 2008. This means all dogs will need to be microchipped after a specified date in 2011

What happens if I don't get my dog microchipped?

Under the new legislation microchipping will be compulsory immediately for dogs at point of sale and for declared dangerous dogs. Microchipping will become compulsory for all dogs in 2011 after a 3 year phase-in period. Failure to have your dog microchipped may result in you being liable to an infringement notice or a fine if you do not comply.

Cats have microchips and don't require registration, why isn't it the same for dogs?

There is a greater potential risk to community safety from some dogs if they attack or harass people. Accordingly, it is important to have a higher level of control over dogs. The registration system for dogs assists DAS rangers to perform their regulatory functions more effectively. Microchipping permanently identifies you as the owner of your pet making it easier to quickly return it to you if it becomes lost or strays. Under the new legislation microchipping is compulsory for all dogs and cats after a three year phase-in period.

IMPROVED REGULATION OF DANGEROUS AND ATTACKING DOGS

The ACT Government is committed to restrict applicants for a license to keep a declared dangerous dog to adults. Currently, applicants for a licence to keep a dangerous dog may be less than 18 years old.

Under the *Domestic Animals Act 2000* a dog declared dangerous in another state or territory automatically has equivalent status as a dangerous dog in the Territory. The provision of compulsory microchipping of dangerous dogs will facilitate tracking and rapid identification of these dogs.

How is a dog declared 'dangerous'?

A dog is declared dangerous by the Registrar under the *Domestic Animals Act 2000* if:

- the dog has been trained as a guard dog or is kept to guard premises other than a residential premises; or
- the dog was declared dangerous in another state or territory; or
- it has attacked or harassed a person or animal.

In the event of a dog being declared dangerous, the owner must apply to the Registrar for a licence to keep a dangerous dog.

How many chances does a dog get before it is declared dangerous?

Each case of attack or harassment is treated independently. Assessment of whether to declare a dog dangerous is done on a case-by-case basis.

If my dog is already lifetime microchipped and it is subsequently deemed a dangerous dog, will it require another microchip?

No, however your dog's details may be added to a National Register of Declared Dangerous Dogs.

What information will be on the microchip about my dog?

Each chip carries details of the owner and the dog. Details include: owner's name, address(es) and telephone number(s); and may include breed, date of birth of the dog; colour; sex; whether or not it is a declared dangerous dog and its breeding status.

What breeds of dogs are deemed to be dangerous?

There is no breed specific legislation for declaring dangerous dogs in the ACT. Each declaration is made on a case-by-case basis and may apply to any breed of dog.

How much is the licence and how much will penalties increase?

A dangerous dog licence costs \$135.10. This fee changes each year in line with CPI increases. The fee is payable each year. A dog that has been previously declared dangerous and has breached the *Domestic Animals Act 2000* on a subsequent occasion may attract a higher penalty, but the annual licence fee will remain unchanged.

TIGHTENING DOG SEIZURE AND RETURN PROVISIONS

Dogs seized by Domestic Animals Service rangers must be returned to their owners following impoundment 28 days after a dog is seized, not the date of the offence. This allows more time for remedial action to be taken to correct any circumstances which may have led to the offence being committed in the first place.

To ensure conditions for properly restraining a dog are in place before it is returned, the ACT Government has given the Registrar of Domestic Animal Services the power to refuse return of a dog (including declared dangerous dogs) until any such conditions are met.

Do I get fined if my dog escapes and is subsequently impounded?

There are set fees for release of a seized dog where the period impounded does not exceed 24 hours. These release fees are currently:

First offence:	\$115.50
Second offence:	\$173.25
Third offence:	\$231.05

Impoundment fees apply to all dogs impounded for each additional day after the first 24 hours. This cost is currently \$11.45 per day.

If my dog is kept for more than 28 days, will it cost me more to house it?

No, the scheduled impoundment fee applies. The scheduled impoundment fee for a dog kept beyond 24 hours is \$11.45 per day.

Note: the current schedule of dog fees which may apply are specified in Disallowable Instrument DI2006-97 which may be viewed on the ACT Legislation website at:

<http://www.legislation.act.gov.au/a/2000-86/fee.asp>

CAT DESEXING BEFORE THE AGE OF FIRST BREEDING

The ACT Government has lowered the age by which cats must be desexed from 6 months to 3 months of age.

Why is the desexing age being lowered for cats and could the lowering of the age harm my cat ?

A female cat can breed at the age of five months, whereas the current *Domestic Animals Act 2000* only requires cat desexing by six months of age. The reason for lowering the cat desexing age to three months is to help reduce the large numbers of young unwanted stray cats which must be destroyed each year because suitable homes cannot be found for them. Based on figures from pounds and animal shelters in Australia in 2004-05 between 40% and 96% of stray kittens and cats are being euthanased each year (National Pet Overpopulation Summit 2006). RSPCA ACT euthanised 56% of the cats it received in 2006-07.

Using modern surgery techniques, early age desexing of cats and dogs in the age-range 8-12 weeks has been practised in the USA by veterinarians for over twenty years. USA euthanasia levels of unwanted cats and dogs have reduced numbers significantly from 17 million in 1980 to 4.5 million in 2005.

It is Australian Veterinary Association policy to encourage early age desexing in both dogs and cats. There are no health concerns resulting from early-age desexing of cats.

Outlined below are many of the reasons why pet owners should desex their pets.

CAT AND DOG DESEXING

As well as helping to stop pet overpopulation through unwanted breeding, the following are some of the other benefits associated with desexing cats and dogs:

Health

- reduced risk of getting cancer or other diseases of the reproductive organs, such as testicular cancer, prostate cancer/disorders in males, and cystic ovaries, ovarian tumours; acute uterine infections and breast cancer in females, and also other diseases like mammary cancer, perianal tumours and perianal hamias;
- females can suffer from physical and nutritional exhaustion if continually breeding; and
- pets generally live longer and healthier lives.

Behavioural

- pets are less prone to wander, fight, and are less likely to get lost or injured;
- reduced territorial behaviour such as spraying indoors;
- less likely to suffer from anti-social behaviours; they become more affectionate and better companions;
- eliminates "heat" cycles in female cats and their efforts to get outside in search for a mate; and
- eliminates male dogs' urge to "mount" people's legs.

Cost

- reduced cost to the community of having to care for unwanted puppies and kittens in pounds and shelters;
- no additional food or vet bills for the offspring;
- no need to find homes for unwanted or unexpected litters of puppies or kittens;
- save money by avoiding expensive surgery from car accidents or fights, which are less likely to occur if your pet doesn't roam around; and
- dumping unwanted puppies and kittens is irresponsible , as well as being illegal and inhumane.

How much will this cost?

Please contact your vet for this information.

What happens if I do not get my dog or cat desexed?

All dogs and cats born after 21 June 2001 older than 6 months of age must be desexed or their owner must apply for a Sexually Entire Animal (SEA) permit. Dogs and cats born before that date are not required to have a permit.

These permits attract a one-off fee of \$288.90. If you are the holder of a pension, Seniors or concession card this fee drops to \$57.70. Once paid the permit remains in place for the life of the dog or cat.

If you do not wish to apply for a SEA permit, you'll need to contact your vet and arrange to have your dog or cat desexed.

A person must not, without reasonable excuse, keep a dog or cat that has not been de-sexed unless the person is the holder of a permit for the animal. A maximum penalty of \$500 may apply to the keeper of a dog or a cat that fails to comply with this legislation.

Domestic Animals Services have rangers that actively enforce the *Domestic Animals Act 2000*. If your dog or cat was born after 21 June 2001 and has not been desexed you should contact a customer service officer at DAS (see below for details), or visit an ACT Government Shopfront and apply for a SEA permit.

If you want more information about the requirement to desex your pet, or if your dog or cat was born after 21 June 2001 and has not been desexed, please contact a customer service officer at DAS (see below for details).

KEEPING MULTIPLE CATS AND DOGS

A dog owner is restricted to keeping no more than 3 dogs at residential premises unless that person has a licence to keep multiple dogs. The new legislation introduces the same rule that currently applies to keeping multiple dogs to also apply to keeping multiple cats e.g a cat owner is restricted to keeping no more than 3 cats unless that person has a licence to keep multiple cats..

How much would a multiple cat licence cost?

The initial application fee for a multiple cat license is \$40.00 and annual renewal fee is \$10.

Is there an annual fee for multiple dog licence renewal?

The current application for a multiple dog licence is \$83.15 with annual renewal costing \$23.00.

If I already have more than 3 cats, do I have to get a licence?

Yes, if you have more than 3 cats you will need to apply for a licence after the amended Act commences in 2008.

ANIMAL NUISANCE COMPLAINTS

The amended Act gives the responsible Minister the power to issue guidelines for dealing with animal nuisance complaints about any animal. The guidelines will be a public document, and be developed after consultation with the public and stakeholders, be available to all, and be approved by the Legislative Assembly.

These guidelines will describe the steps in the animal nuisance complaint process and how complaints are dealt with. The role of Domestic Animals Services officers and the rights and responsibilities of people making an animal nuisance complaint will be outlined.

At present, the Registrar of Domestic Animals Services must investigate all written animal nuisance complaints unless satisfied that the complaint is frivolous or vexatious.

If you have any problems understanding the animal nuisance complaint process, or require assistance, please call one of our Customer Service Officers, Monday to Friday 8.30 am to 5.30 pm, Saturday 8.30 am to 4.30 pm, on 62072424 or contact Domestic Animal Services via our web site: www.tams.act.gov.au

What is animal nuisance?

The *Domestic Animals Act 2000* states that an **animal nuisance** exists if the keeping or behaviour of an animal causes a condition, state or activity that constitutes—

- (a) damage to property owned by a person other than the keeper; or
- (b) excessive disturbance to a person other than the keeper because of noise;
or
- (c) danger to the health of an animal or a person other than the keeper.

Nuisance behaviour includes excessive noise caused by a dog barking, but may include any behaviour where people other than an animal's keeper experience problems with an animal. All dogs bark, "normal" barking behaviour does not constitute an animal nuisance. Each nuisance complaint is assessed on its merit, taking into consideration the effect that it has on people or the neighbourhood.

Domestic Animals Services recommends that where relevant, prior to lodging a complaint, you speak to your neighbours about the problem you are experiencing. Some animal owners are unaware that their animals are causing a nuisance. Sometimes a direct approach will rectify the problem quickly.

On receipt of a formal complaint Domestic Animal Services conducts an investigation.

In deciding whether to issue a notice, the Registrar of Domestic Animal Services must consider the following:

- the number of people affected, or potentially affected, by the nuisance;
- the damage, disturbance or danger resulting, or likely to result, from the nuisance;
- any reasonable precautions that an animal's owner has or has not taken to avoid or minimise the adverse effects, and any further potential adverse effects which may occur;
- any reasonable precautions that a person adversely affected, or potentially adversely affected, by the nuisance has or has not taken to avoid or minimise the nuisance.

What do I need to do to lodge an animal nuisance complaint?

Call Canberra Connect on 13 22 81 to get a copy of an Animal Nuisance Complaint Form sent to you. Fill out the form, providing as much information as possible about the problem that you are experiencing and send it to Domestic Animal Services at:

Domestic Animals Services
PO Box 20
RED HILL ACT 2603

If a complaint is made against my pet, do I get fined?

If an animal nuisance complaint is substantiated Domestic Animals Services will issue you with an abatement notice under Section 112 of the *Domestic Animals Act 2000*. If the animal continues to cause an excessive disturbance to neighbours you may be issued with a fine or evidence may be presented to the Director of Public Prosecutions for court action. The maximum penalty for allowing a nuisance under the *Domestic Animals Act 2000* is \$1,000. Copies of the *Domestic Animals Act 2000* and the Domestic Animals Regulation 2001 may viewed by searching under its title at: <http://www.legislation.act.gov.au> or via the Domestic Animals Services website at: www.tams.act.gov.au

If I want to complain about a pet, do I need evidence?

Yes, an animal nuisance notice will only be issued if corroborative evidence supports the complaint.

What will happen after I lodge my animal nuisance complaint?

Once Domestic Animals Services has received a formal nuisance complaint an investigation into the allegation is conducted. Domestic Animals Services will contact the animal's owner and offer them advice in relation to their animal's behaviour.

To progress a nuisance complaint it is essential that Domestic Animals Services has evidence in support of a complaint. Domestic Animals Services endeavours to get this information through:

- canvassing the neighbourhood, taking into account all people and residences that may be affected by the nuisance behaviour; and
- Domestic Animals Services rangers visiting the area and making independent observations.

If evidence supports a nuisance complaint an abatement notice may be issued under the *Domestic Services Act 2000*. Domestic Animal Services can provide further information from this point on.

CODES OF PRACTICE FOR KEEPING ANIMALS

The ACT Government has introduced a general power for the responsible Minister to approve Codes of Practice describing to the duties of owners, carers and keepers of cats and dogs and other animals under the *Domestic Animals Act 2000*. Compliance with the Codes of Practice, once developed, would be mandatory.

These Codes of Practice could become a major means of promoting the ACT Government's goals of promoting responsible dog and cat ownership and best practice in keeping domestic animals generally within the Canberra community. The Codes of Practice would be public documents, developed after consultation with the public and stakeholders, be available to all, and be approved by the Legislative Assembly.