

Version No. 011
Domestic Animals Regulations 2005

S.R. No. 151/2005

Version incorporating amendments as at
27 February 2013

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PART 1—PRELIMINARY

1 Objectives

The objectives of these Regulations are to prescribe—

- | | |
|--|---|
| (a) requirements for dangerous and restricted breed dogs; and | |
| (b) matters relating to the permanent identification of animals of prescribed classes of animal; and | Reg. 1(b)
amended by
S.R. No.
100/2009
reg. 6(a). |
| (c) matters relating to applying for an animal registry licence; and | Reg. 1(c)
amended by
S.R. No.
100/2009
reg. 6(b). |
| (d) matters relating to the provision of an animal registry service; and | Reg. 1(d)
amended by
S.R. No.
100/2009
reg. 6(c). |
| (e) a scheme for dog obedience training for the purpose of obtaining a reduced registration fee; and | |
| (f) infringement penalties and offences; and | Reg. 1(f)
amended by
S.R. No.
100/2009
reg. 6(d). |
| (g) other matters for the purposes of the Domestic Animals Act 1994 . | Reg. 1(g)
amended by
S.R. No.
100/2009
reg. 6(e). |

2 Authorising provision

These Regulations are made under section 100 of the **Domestic (Feral and Nuisance) Animals Act 1994**.

3 Commencement

These Regulations come into operation on 1 December 2005.

4 Revocation

The Regulations listed in Schedule 1 are **revoked**.

5 Definitions

In these Regulations—

AS 5018—2001 means AS 5018—2001

Electronic animal identification—National coding scheme published on 29 June 2001;

AS 5019—2001 means AS 5019—2001

Electronic animal identification—Radiofrequency methods published on 7 June 2001;

the Act means the **Domestic (Feral and Nuisance) Animals Act 1994**;

reader means an instrument—

- (a) used to scan a permanent identification device whether or not it is implanted in an animal of a prescribed class of animal; and
- (b) that is capable of detecting and decoding the received information from a permanent identification device—
 - (i) that complies with the requirements in AS 5019—2001 that a transponder must meet in order to conform to that standard; and

Reg. 5 def. of *reader* amended by S.R. No. 100/2009 reg. 7.

-
- (ii) that contains a unique identification number that complies with the requirements in AS 5018—2001 for a unique identification code transmitted from a transponder; and
 - (c) that is capable of detecting and decoding the received information from any of the following permanent identification devices—
 - (i) a Destron 125 kHz device;
 - (ii) an AVID 125 kHz non-encrypted device;
 - (iii) a TROVAN 128 kHz device;

scan means to pass a reader over the skin of an animal of a prescribed class of animal or a permanent identification device at a distance of no greater than 50 millimetres and at a sweep speed of no greater than 50 centimetres per second.

Reg. 5 def. of
scan
amended by
S.R. No.
100/2009
reg. 7.

**PART 2—REQUIREMENTS FOR DANGEROUS DOGS AND
RESTRICTED BREED DOGS**

6 Enclosures for dangerous dogs and restricted breed dogs

- (1) For the purposes of section 38(3)(c) of the Act, an enclosure complies with the regulations if it—
 - (a) has a minimum height and width of 1·8 metres; and
 - (b) has a minimum area of 10 square metres for every such dog kept at the owner's premises; and
 - (c) provides a weatherproof sleeping area sufficient for all dogs in the enclosure.
- (2) In the case of a dangerous dog, the enclosure must, in addition to the requirements of subregulation (1)—
 - (a) be fully enclosed; and
 - (b) have walls that are—
 - (i) fixed to the floor; and
 - (ii) constructed to be no more than 50 mm from the floor; and
 - (c) have walls, a roof and a gate that are constructed of—
 - (i) brick, timber, iron or similar solid materials; or
 - (ii) mesh which complies with subregulation (4); or
 - (iii) any combination of those materials referred to in subparagraphs (i) and (ii); and

-
- (d) have a floor that is—
- (i) constructed of sealed concrete; and
 - (ii) graded to fall to a drain for the removal of effluent; and
- (e) have a gate that—
- (i) has a lock which enables the enclosure to be securely locked when the dog is in the enclosure; and
 - (ii) is kept locked when the dog is in the enclosure.
- (3) In the case of a restricted breed dog, the enclosure must, in addition to the requirements of subregulation (1)—
- (a) if the owner of the dog is directed by an authorised officer under subregulation (5), have a perimeter with an inward-facing overhang of 0.7 metres angled at 35 degrees to the horizontal plane; and
 - (b) be constructed of—
 - (i) brick, concrete, timber, iron or similar solid materials; or
 - (ii) mesh which complies with subregulation (4); or
 - (iii) any combination of those materials referred to in subparagraphs (i) and (ii); and
 - (c) be constructed and maintained in a manner which prevents the dog from being able to dig or otherwise escape under, over or through the perimeter of the enclosure; and
 - (d) be designed to prevent children from climbing into the enclosure; and
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- (e) if the enclosure contains gates, each gate must—
- (i) contain a self-closing and self-latching mechanism that enables the enclosure to be securely locked when the dog is in the enclosure; and
 - (ii) be kept locked when the dog is in the enclosure; and
 - (iii) not be situated on premises in such a manner that people are required to pass through the enclosure.
- (4) Mesh used in the construction of an enclosure must be—
- (a) chain mesh manufactured from 3·15 mm wire to form a uniform 50 mm mesh; or
 - (b) weldmesh manufactured from 4 mm wire with a maximum mesh spacing of 50 mm.
- (5) An authorised officer may direct an owner of a premises where a restricted breed dog is housed in an enclosure to ensure that the perimeter of the enclosure has an inward-facing overhang of 0·7 metres angled at 35 degrees to the horizontal plane, if the officer reasonably believes that the dog has previously escaped over the perimeter of the enclosure.

7 Perimeter fencing for dangerous dog guarding non-residential premises

- (1) For the purpose of section 38(2)(a) of the Act, the requirements for perimeter fencing for a dangerous dog guarding non-residential premises are that it—
- (a) has a minimum height of 1·8 metres; and

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- (b) is constructed of—
- (i) brick, concrete, timber, iron or similar solid materials; or
 - (ii) mesh which complies with subregulation (2); or
 - (iii) any combination of those materials referred to in subparagraphs (i) and (ii); and
- (c) if the fencing contains gates, the gates are kept locked when the dog is guarding the premises; and
- (d) is constructed and maintained in a manner which prevents the dog from being able to dig or otherwise escape under, over or through the fencing; and
- (e) if directed by an authorised officer under subregulation (3), has an inward-facing overhang of 0.7 metres angled at 35 degrees to the horizontal plane.
- (2) Mesh used in the construction of perimeter fencing under this regulation must be—
- (a) chain mesh manufactured from 3.15 mm wire to form a uniform 50 mm mesh; or
 - (b) weldmesh manufactured from 4 mm wire with a maximum mesh spacing of 50 mm.
- (3) An authorised officer may direct an owner of a non-residential premises where a dangerous dog is kept, to ensure that the perimeter fencing of the premises has an inward-facing overhang of 0.7 metres angled at 35 degrees to the horizontal plane, if the officer reasonably believes that the dog has previously escaped over the perimeter of the property.

Reg. 7(1)(c)
amended by
S.R. No.
101/2006
reg. 3.

8 Dangerous dog warning sign

- (1) For the purposes of section 39 of the Act, a warning sign which complies with these Regulations is one which—
 - (a) is in the shape of a square with sides that are 40 cm in length;
 - (b) is made of a durable metal; and
 - (c) is similar to the sign illustrated, coloured and set out in Schedule 2; and
 - (d) contains at least one colour that reflects light in the dark.
- (2) A person must not display on any premises, other than a premises where a dangerous dog is kept, a sign that resembles the sign set out in Schedule 2.

Penalty: 2 penalty units.

9 Restricted breed dog warning sign

- (1) For the purposes of section 41H of the Act, a warning sign that complies with these Regulations is one that—
 - (a) is in the shape of a rectangle with a height of 10 cm and a width of 30 cm; and
 - (b) is made of durable material; and
 - (c) is similar to the sign illustrated, coloured and set out in Schedule 3; and
 - (d) contains at least one colour that reflects light in the dark.
- (2) A person must not display on any premises, other than a premises where a restricted breed dog is kept, a sign that resembles the sign set out in Schedule 3.

Penalty: 2 penalty units.

10 Collars for dangerous dogs

- (1) For the purposes of section 40 of the Act, a collar is of the prescribed kind if—
- (a) it consists of red stripes alternately spaced with yellow stripes each being of a width of 25 mm and set diagonal to the rim of the collar at an angle of 45 degrees; and
 - (b) at least one of the two colours reflects light in the dark; and
 - (c) it is made of durable materials; and
 - (d) it is able to be securely fastened; and
 - (e) it has a facility to attach a leash; and
 - (f) it has a minimum width of—
 - (i) 25 mm for a dog weighing less than 20 kgs; or
 - (ii) 40 mm for a dog weighing between 20 kgs and 40 kgs; or
 - (iii) 50 mm for a dog weighing more than 40 kgs.
- (2) An owner of a dog must not put on a dog, other than a dangerous dog, a collar resembling the collar prescribed by subregulation (1).

Penalty: 2 penalty units.

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Pt 3 (Heading)
substituted by
S.R. No.
100/2009
reg. 8.

**PART 3—PERMANENT IDENTIFICATION OF ANIMALS OF
PRESCRIBED CLASSES OF ANIMAL**

Division 1—General

Reg. 11
amended by
S.R. No.
100/2009
reg. 9.

11 Definition of licence holder

In this Part *licence holder* means the holder of an animal registry licence.

12 Prescribed identifying information

For the purposes of the definition of *prescribed identifying information* in section 3(1) of the Act, the following information is prescribed—

Reg. 12(a)
amended by
S.R. No.
100/2009
reg. 10(1)(a).

- (a) in relation to an animal of a prescribed class of animal implanted with a permanent identification device—
 - (i) the species and breed of the animal;
 - (ii) the date of birth or age of the animal;
 - (iii) the colour of the animal;
 - (iv) the sex of the animal;
 - (v) the reproductive status of the animal;
 - (vi) the address at which the animal is or is to be kept;
 - (vii) the name of the municipal district at which the animal is or is to be kept;
 - (viii) if the animal is a dog, whether that dog is a dangerous dog, a menacing dog or a dog that has been declared to be a restricted breed dog under the Act;
 - (ix) the unique identification number of the permanent identification device implanted in the animal;

-
- (x) the identification number of any other permanent identification device previously implanted in the animal; Reg. 12(a)(x) amended by S.R. No. 100/2009 reg. 10(1)(b).
- (xi) the name and business address of the person who implanted the permanent identification device referred to in subparagraph (ix) and the date the device was implanted;
- (b) in relation to an owner of an animal referred to in paragraph (a)— Reg. 12(b) amended by S.R. No. 100/2009 reg. 10(2)(a).
- (i) the owner's title, given names and surname;
- (ii) the owner's residential address and (if different) postal address;
- (iii) the owner's telephone number;
- (iv) the name and telephone number of a person (other than the owner) who can be contacted in relation to the animal. Reg. 12(b)(iv) amended by S.R. No. 100/2009 reg. 10(2)(b).

13 Prescribed permanent identification device

For the purposes of the definition of *prescribed permanent identification device* in section 3(1) of the Act, the device is a permanent identification device—

- (a) that—
- (i) is designed to transmit stored information when activated by a reader; and
- (ii) complies with the requirements in AS 5019—2001 that a transponder must meet in order to conform to that standard; and

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(iii) contains a unique identification number that—

(A) complies with the requirements in AS 5018—2001 for a unique identification code transmitted by a transponder; and

(B) the first 6 digits of which are the manufacturer's code allocated to the manufacturer of the device by the International Committee for Animal Recording; or

Reg.
13(a)(iii)(B)
amended by
S.R. No.
100/2009
reg. 11(a).

(b) in the case of an animal of a prescribed class of animal that is the subject of a written agreement for sale to a person who intends to keep the animal in another country, that—

Reg. 13(b)
amended by
S.R. No.
100/2009
reg. 11(b).

(i) complies with the laws of that country relating to the permanent identification of that class of animal; and

Reg. 13(b)(i)
amended by
S.R. No.
100/2009
reg. 11(c).

(ii) that is to be sold or supplied for implantation into that animal or is implanted in that animal.

14 Prescribed information to be provided to licence holders

(1) For the purposes of section 63I(1)(a) of the Act the prescribed information is the—

(a) 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; and

(b) an allocation list linking the identification number to the person to whom the device was sold or supplied for the purpose of implantation.

- (2) For the purposes of section 63I(1)(a) of the Act the prescribed manner and format in which the prescribed information is to be provided is an electronic format suitable for incorporation into the records that form part of the animal registry service provided by any licence holder provided with the information.

Reg. 14(2)
amended by
S.R. No.
100/2009
reg. 12.

15 Prescribed manner of permanently identifying scent trailing hounds

For the purposes of the Schedule to the Act, the prescribed manner of permanently identifying scent-trailing hounds that are registered with the Secretary of the Department responsible for administration of the Wildlife (Game) Regulations 2001¹ is the method of identification for those animals prescribed by those regulations.

Division 2—Forwarding of information to council regarding permanent identification of certain dogs

16 Owner to forward information to Council regarding permanent identification of certain classes of dog

- (1) The owner of a dog that has not been implanted with a prescribed permanent identification device before any one of the following events that first occurs must, within 7 days of the dog being implanted with such a device, forward the prescribed identifying information to the Council with which the dog is or is to be registered—
- (a) the dog by virtue of the operation of section 34A of the Act becomes a dangerous dog;

- (b) the dog is declared under section 34 of the Act to be a dangerous dog and an application for review of the declaration is not made under section 98(2) of the Act to VCAT within the time prescribed by section 98(2A) of the Act;
- (c) the dog is affirmed by VCAT as a dangerous dog;
- (d) the dog is declared under section 41A of the Act to be a menacing dog and an application for review of the declaration is not made under section 98(2) of the Act to VCAT within the time prescribed by section 98(2A) of the Act;
- (e) the dog is affirmed by VCAT as a menacing dog;
- (f) the dog is declared under section 10(3) of the Act to be a restricted breed dog;
- (g) the dog is declared under section 98A of the Act to be a restricted breed dog and a review of the declaration is not applied for under section 98D of the Act within the time prescribed by section 98D of the Act;
- (h) the dog is affirmed under section 98F of the Act to be a restricted breed dog.

Penalty: 5 penalty units.

- (2) The owner of a dog that has been implanted with a prescribed permanent identification device before any one of the events referred to in subregulation (1)(a) to (h) that first occurs must, within 7 days of that event, forward the information required under regulations 12(a)(i) to (x) and 12(b) to the Council with which the dog is or is to be registered.

Penalty: 5 penalty units.

Division 3—Implantation and removal of permanent identification devices

Pt 3 Div. 3
(Heading)
substituted by
S.R. No.
100/2009
reg. 13.

17 Obligation to obtain information before implanting device

Reg. 17
amended by
S.R. No.
100/2009
reg. 14(a).

A person must not implant a permanent identification device in an animal of a prescribed class of animal unless—

- (a) the person has obtained the prescribed identifying information (except the information required under regulation 12(a)(ix) to (xi)) from the owner of that animal; and
- (b) the person is provided with a declaration signed and dated by the owner of the animal or the owner's agent stating that the information relating to the owner and the animal is true and correct and that the person named as the owner is the legal owner of the animal.

Reg. 17(b)
amended by
S.R. No.
100/2009
reg. 14(b).

* * * * *

Reg. 17(c)
revoked by
S.R. No.
100/2009
reg. 14(c).

Penalty: 5 penalty units.

18 Planter must advise owner of chargeable services before implantation

Reg. 18
amended by
S.R. No.
100/2009
reg. 15.

Before implanting a permanent identification device in an animal of a prescribed class of animal, a person must advise the owner of the animal of any services for which a licence holder may charge a fee as part of providing an animal registry service in respect of that animal.

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19 Scanning for permanent identification devices

Reg. 19(1)
amended by
S.R. No.
100/2009
reg. 16(1).

- (1) Before implanting a permanent identification device in an animal of a prescribed class of animal—
 - (a) a person must determine whether a permanent identification device has previously been implanted in the animal by scanning the animal in accordance with subregulation (2); and
 - (b) if a permanent identification device is detected, the person must continue scanning until he or she has determined to his or her reasonable satisfaction that all permanent identification devices implanted in the animal have been detected.

Penalty: 2 penalty units.

Reg. 19(2)
substituted by
S.R. No.
100/2009
reg. 16(2).

- (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 shoulders from elbow to elbow with a reader that the person has confirmed is functioning correctly;
 - (b) in the case of a horse, a person must scan the horse by including two sweeps close to the skin along each side of the full length of the neck, along the nuchal ligament, with a reader that the person has confirmed is functioning correctly.

20 Offences regarding animals previously implanted

- (1) A person must not implant a permanent identification device into an animal of a prescribed class of animal if he or she is aware that the animal has already been implanted with a permanent identification device unless—
- (a) the person is reasonably satisfied that the implanted device is not functioning correctly; or
 - (b) the implanted device does not uniquely identify the animal; or
 - (c) the implanted device has migrated outside the areas of the animal specified in regulation 19(2); or
 - (d) the implanted device is a permanent identification device referred to in regulation 13(b).

Penalty: 2 penalty units.

- (2) If a person who intends to implant, or has implanted, a permanent identification device into an animal of a prescribed class of animal detects another permanent identification device in the animal, he or she must notify—
- (a) the licence holder holding the records associated with that other permanent identification device of that fact; and
 - (b) if known, provide that licence holder with the name, address and telephone number of the person who presented the animal for implantation.

Penalty: 2 penalty units.

Reg. 20(1)
amended by
S.R. No.
100/2009
reg. 17.

Reg. 20(2)
amended by
S.R. No.
100/2009
reg. 17.

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21 Offence to remove permanent identification devices

Reg. 21(1)
amended by
S.R. No.
100/2009
reg. 18(1).

- (1) A person, other than a veterinary practitioner, must not remove a permanent identification device from an animal of a prescribed class of animal.

Penalty: 5 penalty units.

Reg. 21(2)
amended by
S.R. No.
100/2009
reg. 18(1).

- (2) A veterinary practitioner must not remove a permanent identification device from an animal of a prescribed class of animal unless he or she reasonably considers the removal of the device to be necessary for therapeutic reasons.

Penalty: 5 penalty units.

Reg. 21(3)
amended by
S.R. No.
100/2009
reg. 18(2).

- (3) If a veterinary practitioner removes a permanent identification device from an animal of a prescribed class of animal, he or she must take reasonable steps to notify the licence holder holding the records associated with that device of the removal.

Penalty: 2 penalty units.

22 Implantation of a permanent identification device

Reg. 22(1)
amended by
S.R. No.
100/2009
reg. 19(1).

- (1) A person must not implant a permanent identification device into an animal of a prescribed class of animal unless—
- (a) the device was packaged in individual sterile packaging at the time the person obtained the device; and
 - (b) the device was kept in that packaging until immediately before the device was scanned prior to implantation.

Penalty: 5 penalty units.

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Part 3—Permanent Identification of Animals of Prescribed Classes of Animal

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- (2) A person must not implant a permanent identification device into an animal of a prescribed class of animal unless he or she has scanned the device to confirm that—

Reg. 22(2)
amended by
S.R. No.
100/2009
reg. 19(1).

- (a) the device is functioning correctly; and
(b) its unique identification number displayed during scanning is the same as the number shown on the package in which the device was sold or supplied to the person.

Penalty: 5 penalty units.

- (3) A person who implants a permanent identification device into an animal of a prescribed class of animal other than a horse must—

Reg. 22(3)
amended by
S.R. No.
100/2009
reg. 19(2)(a).

- (a) implant the device subcutaneously in the dorsal midline between the scapulae with the device lying at a 30–45 degree angle to the longitudinal axis of the animal; and
(b) scan the animal immediately after the implantation to confirm proper implantation and that the device is functioning correctly.

Reg. 22(3)(a)
amended by
S.R. No.
100/2009
reg. 19(2)(b).

Penalty: 5 penalty units.

- (4) A person who implants a permanent identification device into a horse must—

Reg. 22(4)
inserted by
S.R. No.
100/2009
reg. 19(3).

- (a) implant the device into the nuchal ligament on the left side of the neck, midway between the poll and the wither; and
(b) scan the horse immediately after implantation to confirm proper implantation and that the device is functioning correctly.

Penalty: 5 penalty units.

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23 Provision of information to the licence holder by person who implanted device

Reg. 23(1)
amended by
S.R. No.
100/2009
reg. 20(1).

- (1) A person who implants a permanent identification device into an animal of a prescribed class of animal must give the prescribed identifying information to the licence holder under section 63G of the Act in such a manner that the identity of the person is clearly evident to the licence holder at the time the information is received by that licence holder.

Penalty: 5 penalty units.

Reg. 23(2)
amended by
S.R. No.
100/2009
reg. 20(2).

- (2) A person who implants a permanent identification device into an animal of a prescribed class of animal must retain a copy of the prescribed identifying information provided to a licence holder under subregulation (1) in relation to the animal until he or she is aware that the information has been recorded as part of the animal registry service provided by the licence holder in respect of that animal.

Penalty: 5 penalty units.

Reg. 23A
inserted by
S.R. No.
100/2009
reg. 21.

23A Provision of information to licence holder if presenter of animal suspected not to be owner

- (1) If an authorised implanter reasonably suspects that a person who presents an animal of a prescribed class of animal to the implanter for a professional service is not the owner of the animal, the implanter must, if there is a permanent identification device implanted in the animal, provide the following details to the holder of an animal registry licence—
- (a) the unique identification number of the device; and
 - (b) if available, the name, address and telephone number of the person presenting the animal.

- (2) In this regulation, *professional service* includes grooming, vaccinating, the provision of medical care and checking permanent identification devices with respect to an animal but does not include implanting a permanent identification device.

Division 4—Animal registry licences

Pt 3 Div. 4
(Heading)
substituted
by S.R. No.
100/2009
reg. 22.

24 Application for the grant or renewal of an animal registry licence

Reg. 24
(Heading)
substituted by
S.R. No.
100/2009
reg. 23(1).

- (1) For the purposes of sections 63L(2)(a) and 63O(3)(a) of the Act, an application for the grant or renewal of an animal registry licence must include the following particulars—

Reg. 24(1)
amended by
S.R. No.
100/2009
reg. 23(2)(a).

(a) if the applicant is a corporation—

- (i) the name of the corporation and the Australian Business Number issued under A New Tax System (Australian Business Number) Act 1999 of the Commonwealth;

- (ii) the full name of the person who will be responsible for overseeing management of the provision of the animal registry service;

Reg. 24(1)
(a)(ii)
amended by
S.R. No.
100/2009
reg. 23(2)(b).

- (iii) the name of a contact person; and

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- (iv) the business address, postal address (if different to the business address), telephone and facsimile numbers and email address of the applicant;
- (b) if the applicant is a natural person—
- (i) the person's full name and Australian Business Number issued under A New Tax System (Australian Business Number) Act 1999 of the Commonwealth;
- (ii) the business address, postal address (if different to the business address), telephone and facsimile numbers and email address of the applicant;
- Reg. 24(1)(c) amended by S.R. No. 100/2009 reg. 23(2)(c).
- (c) details of the bank security box or other type of secure storage facility approved by the Secretary in which copies of records relating to animals of prescribed classes of animal that are to be kept and maintained by the applicant are to be deposited by the applicant in accordance with regulation 39;
- Reg. 24(1)(d) amended by S.R. No. 100/2009 reg. 23(2)(d).
- (d) details of the applicant's technical and financial capacity to provide an animal registry service in compliance with the requirements of the Act and these Regulations;
- (e) details of any offence involving fraud or dishonesty that the applicant has been found guilty of within five years before lodging the application;
- Reg. 24(1)(f) amended by S.R. No. 100/2009 reg. 23(2)(d).
- (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.
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- (2) An application under subregulation (1) must be accompanied by a signed written consent by the applicant permitting the Secretary to undertake a police records check in relation to the applicant.

25 Application fee for licence or renewal

For the purposes of sections 63L(2)(b) and 63O(3)(b) of the Act, the prescribed fee is 76.3 fee units for each year or part of a year that the licence is granted or renewed (as the case may be).

Division 5—Conditions on animal registry licences

Pt 3 Div. 5
(Heading)
substituted by
S.R. No.
100/2009
reg. 24.

26 Licences subject to conditions in this Division

For the purposes of section 63N(1)(a) of the Act, this Division specifies prescribed conditions to which every animal registry licence is subject.

Reg. 26
substituted by
S.R. No.
100/2009
reg. 25.

27 Licence holders' obligations regarding information received

- (1) Upon receipt of the prescribed information identifying a permanent identification device and other information required to be provided under section 63I of the Act, a licence holder must examine the information and 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.
- (2) Upon receipt of the prescribed identifying information required to be given under section 63G of the Act relating to an implanted permanent identification device, a licence holder

Reg. 27(1)
amended by
S.R. No.
100/2009
reg. 26.

must examine the information and determine whether the identification number of the device correctly links to the person to whom the device was sold or supplied for the purpose of implantation.

- (3) A licence holder must not use the information provided under section 63I(1)(b) of the Act for any commercial purposes other than for the purposes of providing an animal registry service.

Reg. 27(3)
amended by
S.R. No.
100/2009
reg. 26.

28 Licence holder to notify persons of incorrect information

- (1) A licence holder must notify a person as soon as practicable after becoming aware that any of the following have occurred—
- (a) the person has failed to provide to the licence holder all or part of the prescribed identifying information under section 63G of the Act;
 - (b) the person has failed to provide to the licence holder all or part of the prescribed information under section 63I(1) of the Act;
 - (c) the person has supplied to the licence holder inaccurate or incorrect prescribed identifying information under section 63G of the Act;
 - (d) the person has supplied to the licence holder inaccurate or incorrect prescribed information or other information under section 63I(1) of the Act.
- (2) A licence holder who has notified a person under subregulation (1)(a), (1)(b), (1)(c) or (1)(d) must notify the Secretary if the incomplete, inaccurate or incorrect information (as the case may be) is not supplied or re-supplied in accurate form within 14 days after so notifying the person.

29 Holding of information separately until certain matters confirmed

A licence holder—

- (a) must retain any prescribed identifying information provided under section 63G of the Act relating to an animal of a prescribed class of animal or the owner of the animal separately from the records kept as part of the animal registry service; and
- (b) must not create any record that includes that information—

Reg. 29(a)
amended by
S.R. No.
100/2009
reg. 27.

until the licence holder is satisfied of the matters to be determined under regulation 27 regarding the permanent identification device implanted in the animal and the person to whom the device was sold or supplied.

30 Prohibition against establishing new records for dogs or cats

- (1) On and from 1 December 2005 a licence holder must not establish a record relating to a dog or cat implanted with a permanent identification device as part of providing an animal registry service in respect of that animal unless—

Reg. 30(1)
amended by
S.R. No.
100/2009
reg. 28(1).

- (a) the licence holder—
 - (i) is reasonably satisfied that the device is a prescribed permanent identification device that was implanted in the animal in Victoria by an authorised implanter in accordance with the Act and these Regulations; and
 - (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; or

Reg. 30(1)
(a)(ii)
amended by
S.R. No.
100/2009
reg. 28(2).

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- (b) the device was implanted prior to 1 December 2005 and the licence holder is reasonably satisfied that the device is capable of uniquely identifying the animal; or
- (c) the device has been implanted in the animal outside of Victoria and the licence holder is reasonably satisfied that the device is capable of uniquely identifying the animal; or
- (d) the establishment of the record is approved by an authorised officer appointed under section 71 of the Act.

Reg. 30(2)
amended by
S.R. No.
100/2009
regs 28(1)(3).

- (2) Subregulation (1) does not apply if the licence holder was keeping and maintaining a record of identifying information in respect of the animal as part of a service in the nature of an animal registry service before 1 December 2005.

Reg. 30A
inserted by
S.R. No.
100/2009
reg. 29.

30A Prohibition against establishing new records for horses

- (1) A licence holder must not establish a record relating to a horse implanted with a permanent identification device as part of providing an animal registry service in respect of that animal unless—
 - (a) the licence holder—
 - (i) is reasonably satisfied that the device is a prescribed permanent identification device that was implanted in the horse in Victoria by an authorised implanter in accordance with the Act and these Regulations; and

- (ii) is provided with the prescribed identifying information relating to the horse and the horse's owner in accordance with section 63G of the Act; or
 - (b) the device was implanted prior to 1 September 2009 and the licence holder is reasonably satisfied that the device is capable of uniquely identifying the horse; or
 - (c) the device has been implanted in the horse outside of Victoria and the licence holder is reasonably satisfied that the device is capable of uniquely identifying the horse; or
 - (d) the establishment of the record is approved by an authorised officer appointed under section 71 of the Act.
- (2) Subregulation (1) does not apply if the licence holder was keeping and maintaining a record of identifying information in respect of the horse as part of a service in the nature of an animal registry service before 1 September 2009.

31 Licence holder must provide animal registry service for an animal of a prescribed class of animal

A licence holder must provide an animal registry service in respect of an animal of a prescribed class of 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 30 or 30A.

Reg. 31
(Heading)
substituted by
S.R. No.
100/2009
reg. 30(1).

Reg. 31
amended by
S.R. No.
100/2009
reg. 30(2).

Reg. 31(b)
amended by
S.R. No.
100/2009
reg. 30(3).

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Reg. 32
amended by
S.R. No.
100/2009
reg. 31.

32 New records to be established within 4 days

A licence holder must ensure that the prescribed identifying information relating to an animal of a prescribed class of animal or the owner of the animal provided in accordance with section 63G of the Act is entered into a new record for that animal as part of the animal registry service provided by the licence holder to the owner in respect of that animal within 4 business days after the licence holder—

- (a) has received the information from the person who implanted a permanent identification device in the animal; and
- (b) is satisfied of the matters to be determined under regulation 27.

33 Licence holder to provide certificate of identification

Reg. 33(1)
amended by
S.R. No.
100/2009
reg. 32(a).

- (1) A licence holder must provide the owner of an animal of a prescribed class of animal in respect of which a record has been established under regulation 32 with a certificate of identification as soon as possible after the establishment of the record.

Reg. 33(2)
amended by
S.R. No.
100/2009
reg. 32(b).

- (2) A certificate of identification provided under subregulation (1) must contain—

Reg. 33(2)(a)
amended by
S.R. No.
100/2009
reg. 32(c).

- (a) information about the procedures for amending identifying information contained in the record for the animal; and
- (b) the information required under regulations 12(a)(i) to (v), 12(a)(viii) to (x) and 12(b)(i) to (iii).

34 Records of animals of prescribed classes of animal must be maintained for life

A licence holder that has agreed to provide an animal registry service in respect of an animal of a prescribed class of animal must keep and maintain any record relating to that animal as part of that service for the lesser of the following periods—

- (a) the lifetime of the animal;
- (b) 30 years after the licence holder first established a record in relation to that animal as part of such a service;
- (c) 30 years after any former licence holder first established a record relating to that animal as part of such a service.

Reg. 34
(Heading)
substituted by
S.R. No.
100/2009
reg. 33(1).
Reg. 34
amended by
S.R. No.
100/2009
reg. 33(2).

35 Licence holder to notify owner of certain matters

- (1) If a licence holder has been notified under regulation 20(2) of the fact that an animal of a prescribed class of animal in respect of which the licence holder holds a record has been presented for implantation with a further permanent identification device, the licence holder must—
 - (a) notify the owner of the animal of that fact; and
 - (b) if provided to the licence holder, provide the owner with the name and telephone number of the person who presented the animal for implantation.
- (2) If a licence holder is unable to contact the owner under subregulation (1), the licence holder must enter the following details in the record held for the animal—
 - (a) that the animal has been presented for implantation with a further permanent identification device;

Reg. 35(1)
amended by
S.R. No.
100/2009
reg. 34(1).

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Reg. 35(3)
inserted by
S.R. No.
100/2009
reg. 34(2).

- (b) if provided to the licence holder, the name, address and telephone number of the person who so presented the animal;
- (c) the date on which the licence holder received the information referred to in paragraphs (a) and (b);
- (d) the date that the licence holder attempted to notify the owner in accordance with subregulation (1).

- (3) If a licence holder has been notified under regulation 23A of the fact that an animal of a prescribed class of animal in respect of which the licence holder holds a record has been presented for a professional service, the licence holder must—
 - (a) notify the owner of the animal of that fact; and
 - (b) if provided to the licence holder, provide an authorised officer appointed under section 71 of the Act with the name and telephone number of the person who so presented the animal.

Reg. 35(4)
inserted by
S.R. No.
100/2009
reg. 34(2).

- (4) If a licence holder is unable to contact the owner under subregulation (3), the licence holder must enter the following details in the record held for the animal—
 - (a) that the animal has been presented for a professional service;
 - (b) if provided to the licence holder, the name, address and telephone number of the person who so presented the animal;
 - (c) the date on which the licence holder received the information referred to in paragraphs (a) and (b);

- (d) the date that the licence holder attempted to notify the owner in accordance with subregulation (3).

36 Licence holder to facilitate reunion of lost animals and owners

Reg. 36
amended by
S.R. No.
100/2009
reg. 35(a)(b).

The licence holder, in providing an animal registry service must use his, her or its best endeavours to ensure the prompt reunion of any lost animal of a prescribed class of animal implanted with a permanent identification device with the owner of the animal.

37 Licence holder must establish complaints system

- (1) A licence holder must establish and maintain a system approved by the Secretary for recording and addressing complaints in respect of providing an animal registry service.
- (2) The Secretary may approve a system under subregulation (1) if the Secretary is satisfied that the system is adequate for the recording and addressing of complaints in respect of providing an animal registry service.
- (3) In determining whether to approve a system under subregulation (2) the Secretary may request that the licence holder provide to the Secretary any information or documents that the Secretary reasonably requires.

Reg. 37(1)
amended by
S.R. No.
100/2009
reg. 36.

Reg. 37(2)
amended by
S.R. No.
100/2009
reg. 36.

38 Access to and provision of information

- (1) A licence holder, that is providing an animal registry service in respect of an animal of a prescribed class of animal, must ensure any record relating to such an animal is accessible electronically or by telephone—
- (a) 24 hours a day, on any day in any year to permit retrieval of information for the purposes of identifying that animal; and

Reg. 38(1)
amended by
S.R. No.
100/2009
reg. 37(1).

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Reg. 38(2)
substituted by
S.R. No.
100/2009
reg. 37(2).

(b) during normal business hours to permit retrieval of information other than for the purposes of identifying individual animals.

(2) If a licence holder receives a request from a person to provide prescribed identifying information for the purpose of reuniting an animal of a prescribed class of animal with its owner, relating to an animal of a prescribed class of animal, in respect of which the licence holder does not keep a record, the licence holder must—

(a) immediately contact other licence holders to determine whether a record relating to an animal of a prescribed class of animal is kept by another licence holder; and

(b) provide the information to the person who made the request, if the person is of a class of person referred to in section 63H(2) of the Act, unless the licence holder keeping the record agrees to provide the information directly to that person.

Reg. 38(3)
substituted by
S.R. No.
100/2009
reg. 37(2).

(3) If a licence holder receives a request to provide prescribed identifying information for the purpose of reuniting an animal of a prescribed class of animal with its owner and the licence holder keeps a record relating to that animal, the licence holder must—

(a) make reasonable efforts to contact the owner of the animal to inform the owner of the request for information, unless a Council or an animal shelter registered under Part 4 of the Act agrees to contact the owner and so inform the owner; and

(b) provide the information requested to the person who made the request, if the person is of a class of person referred to in section 63H(2) of the Act.

(4) A licence holder must establish and maintain a system to identify and keep records of any persons referred to in section 63H(2) of the Act to whom the licence holder provides any prescribed identifying information.

(5) A record kept under subregulation (4) must be kept for the same period that the licence holder must keep a record relating to the relevant animal under regulation 34.

Reg. 38(5)
amended by
S.R. No.
100/2009
reg. 37(3).

39 Copies of records provided monthly

(1) A licence holder must, at least once a month, in relation to all records relating to animals of prescribed classes of animal kept and maintained as part of the animal registry service provided by the licence holder—

Reg. 39(1)
amended by
S.R. No.
100/2009
reg. 38.

(a) deposit in electronic format a copy of those records into—

(i) a Victorian bank deposit box that is maintained by the licence holder; or

(ii) any other type of secure storage facility approved by the Secretary that is maintained by the licence holder; or

(b) provide a copy of those records in electronic format to the Secretary.

(2) The licence holder must ensure that the records deposited under subregulation (1)(a) are accessible for inspection by an authorised officer appointed under section 71 or 71A of the Act.

40 Amending information in records

(1) A licence holder must not amend the identifying information contained in a record kept and maintained by the licence holder in relation to an animal of a prescribed class of animal unless—

Reg. 40(1)
amended by
S.R. No.
100/2009
reg. 39.

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- (a) the licence holder has received an application to so amend the record from the person specified as the owner of the animal in the identifying information contained in the record; or
 - (b) the licence holder has received an application to so amend the record from an authorised officer appointed under section 71 of the Act; or
 - (c) in the case of an application for a change of ownership of the animal—
 - (i) the licence holder has received an application to change the ownership of the animal from the new owner of the animal in accordance with subregulation (2); and
 - (ii) the licence holder has notified the person specified as the owner of the animal in the identifying information contained in the record about that application and within 14 days after that notification the owner has either confirmed the ownership change in writing or has not responded to the notification; or
 - (d) in the case of an application for a change of ownership of the animal, the licence holder has received an application to change the ownership of the animal from a pound or animal shelter which operates a domestic animal business from a premises registered for that purpose under Part 4 of the Act; or
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- (e) there has been a change in ownership of the animal as a result of an order of a court and the new owner of the animal—
- (i) applies to the licence holder to amend the record to change the ownership of the animal; and
 - (ii) provides a copy of the order to the licence holder.
- (2) For the purposes of subregulation (1)(c)(i), the applicant must provide to the licence holder a declaration stating that the applicant is the new owner of the animal.
- (3) If a licence holder becomes aware of a dispute over the ownership of an animal of a prescribed class of animal in respect of which the licence holder keeps a record, the licence holder—
- (a) must enter details of the dispute on to the record; and
 - (b) must not amend the record to change the ownership of the animal unless the licence holder is provided with evidence that proves to the reasonable satisfaction of the licence holder that a person other than the person specified as the owner of the animal in the identifying information contained in the record is the owner of the animal.
- (4) If a licence holder amends a record kept in relation to an animal of a prescribed class of animal to change the ownership of that animal, the licence holder must ensure that the previous ownership details are retained in that record.

Reg. 40(3)
amended by
S.R. No.
100/2009
reg. 39.

Reg. 40(4)
amended by
S.R. No.
100/2009
reg. 39.

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41 Reporting of complaints to Secretary

A licence holder must provide a written report to the Secretary every 3 months setting out—

Reg. 41(a)
amended by
S.R. No.
100/2009
reg. 40(a).

(a) any complaints made in respect of the animal registry service provided by the licence holder concerning—

Reg. 41(a)(i)
amended by
S.R. No.
100/2009
reg. 40(b).

(i) the keeping and maintaining of records relating to animals of prescribed classes of animal; and

(ii) the provision of access to those records; and

Reg. 41(a)(iii)
amended by
S.R. No.
100/2009
reg. 40(c).

(iii) any failure of the licence holder to identify the owner of an animal of a prescribed class of animal from records kept by the licence holder; and

(b) the steps taken by the licence holder to address those complaints.

42 Licence holder must not charge access fees to certain people

Reg. 42
amended by
S.R. No.
100/2009
reg. 41(1)(a).

A licence holder must not charge a fee to any of the following persons for providing that person with access to any information kept in a record relating to an animal of a prescribed class of animal kept and maintained by the licence holder—

(a) the Secretary acting in the course of his or her duties in the administration of the Act or these Regulations;

(b) an authorised officer appointed under section 71, 71A or 72 of the Act acting in the course of his or her duties in the administration of the Act or these Regulations;

- (c) the owner of the animal;
- (d) any other person where the access is for the purposes of reuniting an animal with its owner;
- (e) any other person approved by the Secretary.

Reg. 42(d)
amended by
S.R. No.
100/2009
reg. 41(1)(b).

Reg. 42(e)
inserted by
S.R. No.
100/2009
reg. 41(2).

43 Information provided to licence holder must be retained in electronic or in original form

Reg. 43
amended by
S.R. No.
100/2009
reg. 42.

Any prescribed identifying information or prescribed information (as the case may be) relating to an animal of a prescribed class of animal provided to a licence holder must be retained by the licence holder in an electronic form or as a hard copy for the same period that the licence holder must keep a record relating to that animal under regulation 34.

Division 6—Record management

44 Prescribed manner for keeping information in records and copies of records

- (1) For the purposes of sections 63E(a) and 63Z(a) of the Act, the prescribed manner for keeping and maintaining the records containing the prescribed identifying information or the prescribed information (as the case may be) relating to an animal of a prescribed class of animal is in an electronic format which is sufficient to enable the licence holder to comply with the requirements of regulation 38(1).

Reg. 44(1)
amended by
S.R. No.
100/2009
reg. 43.

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Reg. 44(2)
amended by
S.R. No.
100/2009
reg. 43.

- (2) For the purposes of sections 63E(b) and 63Z(b) of the Act, the prescribed manner for keeping and maintaining copies of records relating to an animal of a prescribed class of animal is in an electronic format.

Reg. 45
(Heading)
amended by
S.R. No.
100/2009
reg. 44(1).

45 Maintenance of records if licence holder ceases to provide animal registry service

Reg. 45(1)
amended by
S.R. No.
100/2009
regs 44(2),
(3)(a)(b).

- (1) If a licence holder intends to cease providing an animal registry service in respect of animals of prescribed classes of animal, the holder must, before ceasing to provide the service and relinquishing the relevant animal registry licence—

Reg. 45(1)(a)
amended by
S.R. No.
100/2009
reg. 44(3)
(c)(d).

- (a) enter into a written agreement with a person for that person to continue to provide the service in respect of those animals that complies with the requirements of regulation 34 in relation to each prescribed class of animal; or

Reg. 45(1)(b)
amended by
S.R. No.
100/2009
reg. 44(3)(c).

- (b) give to the Secretary in electronic format, every record in relation to the animals in respect of which the holder provides that service.

Penalty: 5 penalty units.

Reg. 45(2)
amended by
S.R. No.
100/2009
regs 44(2),
(4)(a).

- (2) If a licence holder is unable to continue to provide an animal registry service in respect of animals of prescribed classes of animal due to his or her incapacity or death, the licence holder's guardian or the personal representative of the licence holder's estate (as the case may be) must as soon as practicable—

Domestic Animals Regulations 2005

S.R. No. 151/2005

Part 3—Permanent Identification of Animals of Prescribed Classes of Animal

r. 45

(a) enter into a written agreement with a person for that person to continue to provide the service in respect of those animals that complies with the requirements of regulation 34 in relation to each prescribed class of animal; or

Reg. 45(2)(a)
amended by
S.R. No.
100/2009
reg. 44(4)
(b)(c).

(b) give to the Secretary in electronic format, every record in relation to the animals in respect of which the holder provides that service.

Reg. 45(2)(b)
amended by
S.R. No.
100/2009
reg. 44(4)(b).

Penalty: 5 penalty units.

(3) If it appears to the Secretary that a licence holder has ceased to provide the animal registry service in respect of animals of prescribed classes of animal in respect of which the licence holder is licensed, the Secretary may request any person, who appears to have possession or control of the records relating to those animals, to give the records in electronic format to the Secretary.

Reg. 45(3)
amended by
S.R. No.
100/2009
reg. 44(5).

(4) A person must comply with a request under subregulation (3) unless he or she has a reasonable excuse for not so complying.

Penalty: 5 penalty units.

PART 4—GENERAL

46 Receipt for seized documents

For the purposes of section 75(1) of the Act the prescribed form of receipt is set out in Schedule 4.

47 Infringement penalties for offences against the Act

For the purposes of section 88 of the Act, the infringement penalty for an offence—

- (a) against sections 20(1), 21, 22, 23(4), 25(1) and 32(1) of the Act is 0.5 penalty units;
- (b) against sections 26(1), 29(7), 37(1C)(a), 37(1C)(b), 37(1C)(c), 37(1C)(d), 39, 41F(2), 41G, 41H, 41I and 63G of the Act is 1 penalty unit;
- (c) against sections 24(1), 27(1) and 32(4) of the Act is 1.5 penalty units;
- (d) against sections 10(1), 10(2), 10(3), 12A, 24(2), 37(2)(b), 37(2)(ba), 37(2)(bb), 37(2)(c), 38(1), 38(2), 41D(b), 41D(ba), 41D(bb), 41D(c), 41E, 41EA, 41F(1)(a), 41F(1)(aa), 41F(1)(ab), 41F(1)(b), 63A(1), 63F, 63H(1), 63H(2) and 96 of the Act is 2 penalty units;
- (e) against section 29(5) of the Act is 2.5 penalty units;
- (f) against sections 63D and 63I(1) of the Act is 4 penalty units;
- (g) against section 63J(1) of the Act is 5 penalty units.

Reg. 47
(Heading)
substituted by
S.R. No.
100/2009
reg. 45(1).

Reg. 47
substituted by
S.R. No.
67/2008 reg. 3.

Reg. 47(b)
amended by
S.R. No.
100/2009
reg. 45(2)(a).

Reg. 47(e)
amended by
S.R. No.
100/2009
reg. 45(2)(b).

47A Infringement penalties and offences for offences against these Regulations

Reg. 47A
inserted by
S.R. No.
100/2009
reg. 46.

- (1) For the purposes of section 85(2) of the Act, regulations 8(2), 9(2), 10(2), 16(1), 16(2), 17, 19(1), 20(1), 20(2), 21(1), 22(1), 22(2), 22(3), 22(4), 23(1) and 23(2) are prescribed for the purposes of Part 7B of the Act.
- (2) For the purposes of section 88 of the Act, the infringement penalty for an offence—
 - (a) against regulation 8(2), 9(2), 10(2), 19(1), 20(1) or 20(2) is 0.5 penalty units;
 - (b) against regulation 16(1), 16(2), 17, 21(1), 22(1), 22(2), 22(3), 22(4), 23(1) or 23(2) is 1.25 penalty units.

48 Application fee for review of decision to declare dog a restricted breed dog

For the purposes of section 98D(2)(c) of the Act, the prescribed application fee for review of a decision is 20 fee units.

49 Obedience training

- (1) For the purposes of the Schedule to the Act, obedience training which complies with these Regulations is training of a dog that enables the dog to successfully complete—
 - (a) an assessment program administered by the Victorian Canine Association Inc. which results in the award of an obedience title recognised by the Australian National Kennel Control; or
 - (b) an assessment program approved by the Minister and conducted by a qualified dog trainer.

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- (2) For the purposes of subregulation (1)(b) a qualified dog trainer is a person who—
- (a) is a current member of an organisation approved by the Minister; and
 - (b) has completed to the satisfaction of that organisation a training course approved by the Minister and administered by that organisation.
- (3) For the purposes of subregulation (1)(b) the Minister may approve an assessment program if it provides for a dog to be assessed in the following skills—
- (a) heeling or walking with handler;
 - (b) sociability with other dogs;
 - (c) staying on command (known as a "stay test");
 - (d) coming to handler on command (known as a "recall test");
 - (e) absence of aggression towards humans or another animal.
- (4) For the purposes of subregulation (2)(a), the Minister may approve an organisation for a period of up to 36 months if it satisfies the following criteria—
- (a) it is an organisation established for the purpose of representing the interests of other dog training organisations as well as individual dog trainers;
 - (b) it provides training and education programs relating to dog training to its members;
 - (c) it has prepared and distributed to its members a code of ethics relating to dog training that is endorsed by the organisation and is binding on its members.
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- (5) An organisation approved by the Minister under subregulation (4) may apply to the Minister to be approved for a further period of up to 36 months by submitting a report on its activities in relation to the criteria specified in subregulation (4).
- (6) An application under subregulation (5) must be made at least 30 days, or any lesser number of days approved by the Minister, before the expiry of the period referred to in subregulation (4).
- (7) If, after considering a report submitted under subregulation (5) the Minister is satisfied that an approved organisation continues to meet the criteria specified in subregulation (4), the Minister may approve the organisation for the purposes of subregulation (2)(a) for a further period of up to 36 months.
- (8) For the purposes of subregulation (2)(b), the Minister may approve a training course if it provides for—
- (a) training in appropriate equipment used to train a dog; and
 - (b) practical obedience training of dogs; and
 - (c) a written or oral examination on the theory of dog training; and
 - (d) a practical examination of a person's dog training skills; and
 - (e) a probationary or learning period of at least 25 hours in which the trainee is under the supervision of a qualified dog trainer.
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PART 5—SAVINGS AND TRANSITIONAL PROVISIONS

50 Approved assessment programs, organisations and training courses

- (1) An assessment program approved by the Minister under regulation 13(3) of the old regulations before 1 December 2005 is deemed to be an assessment program approved by the Minister under regulation 49(3).
- (2) An organisation approved under regulation 13(4) of the old regulations before 1 December 2005 is deemed to be an organisation approved by the Minister under regulation 49(4) for a period of 12 months after the date of the approval.
- (3) A training course approved by the Minister under regulation 13(7) of the old regulations before 1 December 2005 is deemed to be a training course approved by the Minister under regulation 49(8).
- (4) In this regulation, *the old regulations* means the Domestic (Feral and Nuisance) Animals Regulations 1996² as in force immediately before 1 December 2005.

51 Infringement notices and infringement offences

- (1) The commencement of regulation 47 of these Regulations is not to be taken to affect—
 - (a) an infringement notice issued before that commencement; and
 - (b) the penalty applying to an infringement offence committed before that commencement.
- (2) In this regulation, *infringement offence* means an offence for which an infringement notice may be served under section 85 of the Act.

SCHEDULES

SCHEDULE 1

Regulation 4

REVOCATIONS

<i>S.R. No.</i>	<i>Title</i>
25/1996	Domestic (Feral and Nuisance) Animals Regulations 1996
62/2002	Domestic (Feral and Nuisance) Animals (Amendment) Regulations 2002
39/2003	Domestic (Feral and Nuisance) Animals (Amendment) Regulations 2003
162/2004	Domestic (Feral and Nuisance) Animals (Amendment) Regulations 2004

Sch. 2


SCHEDULE 2

Regulation 8

DANGEROUS DOG WARNING SIGN



 **Red = 100% Magenta 100% Yellow**

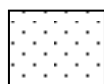
 **Yellow = 100% Yellow**

 **Black**

SCHEDULE 3

Regulation 9

RESTRICTED BREED DOG WARNING SIGN



= Light turquoise



= Sign text: Black, font size: 72,
font: Times New Roman, font style: bold
Sign border: 3 point black

Domestic Animals Regulations 2005
S.R. No. 151/2005

Sch. 4

Sch 4
amended by
S.R. No.
100/2009
reg. 47.

SCHEDULE 4

Regulation 46

Domestic Animals Regulations 2005

**RECEIPT FOR DOCUMENT SEIZED UNDER SECTION 74(2)(e)
OF THE ACT**

Name of authorised officer:

Authorised by:

If appointed by a certificate from a Council, name of Council:

Name of person from whom documents seized if made available:

Address from which documents seized:

Description of document seized by the authorised officer:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

Signed by the authorised officer:

Date:

Domestic Animals Regulations 2005
S.R. No. 151/2005

Sch. 5

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Sch. 5
amended by
S.R. No.
101/2006
reg. 4,
revoked by
S.R. No.
67/2008 reg. 4.

ENDNOTES

1. General Information

The Domestic (Feral and Nuisance) Animals Regulations 2005, S.R. No. 151/2005 were made on 29 November 2005 by the Lieutenant-Governor as the Governor's Deputy with the advice of the Executive Council under section 100 of the **Domestic (Feral and Nuisance) Animals Act 1994**, No. 81/1994 and came into operation on 1 December 2005: regulation 3.

The Domestic (Feral and Nuisance) Regulations 2005 will sunset 10 years after the day of making on 29 November 2015 (see section 5 of the **Subordinate Legislation Act 1994**).

The title of these Regulations was changed from the Domestic (Feral and Nuisance) Animals Regulations 2005 to the Domestic Animals Regulations 2005 by regulation 5 of the Domestic (Feral and Nuisance) Animals Amendment Regulations 2009, S.R. No. 100/2009.

2. Table of Amendments

This Version incorporates amendments made to the Domestic Animals Regulations 2005 by statutory rules, subordinate instruments and Acts.

Domestic (Feral and Nuisance) Animals (Amendment) Regulations 2006,
S.R. No. 101/2006

Date of Making: 8.8.06

Date of Commencement: 8.8.06

Domestic (Feral and Nuisance) Animals (Infringements Amendment) Regulations
2008, S.R. No. 67/2008

Date of Making: 24.6.08

Date of Commencement: 24.6.08

Domestic (Feral and Nuisance) Animals Amendment Regulations 2009,
S.R. No. 100/2009

Date of Making: 1.9.09

Date of Commencement: 1.9.09: reg. 3

Domestic Animals Regulations 2005
S.R. No. 151/2005

Endnotes

3. Explanatory Details

¹ Reg. 15: S.R. No. 90/2001. Reprint No. 1 as at 9 June 2005. Reprinted to S.R. No. 147/2004 and subsequently amended by S.R. Nos 50/2008 and 10/2009.

² Reg. 50(4): S.R. No. 25/1996. Reprint No. 1 as at 18 March 2004. Reprinted to S.R. No. 39/2003 and subsequently amended by S.R. Nos 88/2004 and 162/2004.

**Table of Applied, Adopted or Incorporated Matter Required by
Subordinate Legislation Regulations 2004**

Note that the following table of applied, adopted or incorporated matter is included in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2004.

Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 5, in the definition of <i>reader</i>	AS 5019—2001 Electronic animal identification— Radiofrequency methods published on 7 June 2001	The whole
	AS 5018—2001 Electronic animal identification— National coding scheme published on 29 June 2001	The whole
Regulation 13(a)	AS 5019—2001 Electronic animal identification— Radiofrequency methods published on 7 June 2001	The whole
	AS 5018—2001 Electronic animal identification— National coding scheme published on 29 June 2001	The whole

Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

In accordance with section 11 of the **Monetary Units Act 2004**, the value of a penalty unit for the financial year commencing 1 July 2012 is \$140.84.

The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.