



COUNCIL BULLETIN

December 2010

Issue 44

Increase in levy on registration fees collected by Council

Included with amendments to the *Domestic Animals Act 1994* (Act), which came into operation on 1 September 2010, was the increase of the levy with respect to each registration fee for every dog and cat collected by Council that is required to be paid to the Treasurer.

This section of the new Act had a delayed commencement with the increase applying from 1 January 2011. On this date, the levy for both cat and dog registrations will increase by \$1.00 each, therefore each registration fee must have the levy of:

- \$2.00 for each cat registration; and
- \$3.50 for each dog registration added from 1 January 2011.

The increase in the levy was made by the Government to expand funding to the Department's Responsible Pet Education programs provided in pre and primary schools across Victoria.

Victorian Declared Dog Registry (VDDR)

With the amendments to the *Domestic Animals Act 1994* (Act) which included three new destruction powers in relation to dogs found at large:

- s.84TA destruction of unidentified dogs at risk to public;
- s.84TB destruction of dogs likely to cause death or serious injury to a person or animal; and
- s.84TC destruction of a declared dangerous dog found at large.

The VDDR has been updated to meet Council's obligation to provide details of dogs destroyed under these provisions. Under s.44AEA of the Act, the following details associated with any dog destroyed under s84TA, 84TB or 84TC must be recorded on the VDDR:

- Reason for destruction and basis for "reasonable belief"
- Time and date of destruction
- Name, address, contact details of owner (if known)
- Microchip number (if has one)
- Sex and reproductive status of dog
- Date of birth and age of dog (if known)
- Breed and colour of dog

The user manual attached to this Bulletin has been designed to assist Council in recording these details by providing a step by step to guide an Officer on inputting the information onto the database.

Domestic Animal Management Implementation Committee (DAMIC)

This Committee was formed in 2002 to advise the Department of Primary Industries on matters relating to the management of domestic animals in Victoria. Its purpose is to advise on domestic animal management policy, programs, council partnership, and to provide feedback on the implementation and enforcement of the *Domestic Animals Act 1994*.

For a current list of members on DAMIC please click on weblink below:

<http://new.dpi.vic.gov.au/agriculture/about-agriculture/animal-health-and-welfare/animal-welfare/committees>

If Authorised Officers or Councils wish DAMIC members to discuss current industry issues please contact the appropriate Local Government member on DAMIC that can table your issue.

Use of s.84Y written agreements by Councils to rehouse dogs and cats

The *Domestic Animals Act 1994* (Act) provides Council under S.84Y with an ability to enter into written agreements with any person or body to sell or dispose of dogs and cats seized or surrendered to Council under the Act. Concerns have been raised since the issue of Council Bulletin 43 that Councils may believe that they are not permitted to enter into these agreements with people who are not registered as animal shelters.

Council has the power under S.84Y of the Act to enter into a written agreement with any person or body, whether they are registered as an animal shelter or not, as long as the Council provides in the agreement that the person or body comply with the statutory obligations that the Council must adhere to under the Act and Code of Practice.

When a Council seizes a dog or cat under the Act, the Council must abide by the following provisions:

- S.84O(3) – If the owner fails to recover a dog or cat seized under the Act, the Council can only sell or destroy the animal;
- Code – Council must assess if the dog or cat is appropriate on health and temperament grounds to sell back into the community;
- S.84U – Council must de-sex a dog or cat that they propose to sell;
- S.12A – Council must implant a microchip into a dog or cat prior to selling;
- Code – Council must vaccinate and worm a dog or cat prior to selling (all vaccinated animals must be held in quarantine for 8 days before sale).

Council could enter into a written agreement with any animal shelter, rescue group, foster carer or individual person as long as they meet the obligations of Council cited above, before the animal is sold, or given for a zero price, to a new owner. Council should construct the written agreement to ensure that the person or group understands and commits to these obligations. Council is responsible to monitor that such an agreement is complied with.

With regard to animals surrendered to Councils by their owners, these could also be provided through the S.84Y agreements at the discretion of the Council, as it owns the animals.

Private ownership and foster care arrangements that keep small numbers of animals by a person in their private residential accommodation, as pet dogs or cats would be, does not constitute an animal shelter. The numbers of animals on such premises must comply with Council planning provisions for pet animals and protection of their welfare is underpinned by the welfare codes for dogs and cats and the provisions of the *Prevention of Cruelty to Animals Act 1986*.

But where a premises sets up with facilities in which animals are kept and maintained by staff specifically for shelter and rehoming, for example organisations such as Lost Dogs Home, RSPCA, Lort Smith Animal Hospital and Cat Protection Society, then these establishments must be registered in view of the numbers of animals being kept, processed and held on site for sale. Councils were encouraged in Council Bulletin 43 to ensure that such animal shelters receiving animals from them are registered with the Council in which they were operating.

Banning Orders under POCTA legislation

Section 12 of the *Prevention of Cruelty to Animals Act 1986* (POCTA) allows magistrates to impose orders in relation to the keeping of animals following a conviction for a serious offence under the POCTA Act. These orders may ban or restrict the ownership of animals by the convicted person for up to 10 years.

The Bureau of Animal Welfare maintain a confidential register of banning orders imposed in Victoria for use by Authorised Officers under POCTA in their enforcement role under this Act. We are currently investigating how we can keep Councils advised of persons in their municipality who have active banning orders imposed in compliance with the provisions of the *Information Privacy Act 2000*.

In the meantime, if Councils are dealing with animal welfare problems and need to check this register in relation to a specific person you can contact the Bureau of Animal Welfare who will assist you. If you prosecute a case in court for which a banning order is imposed (or have done so in the past) please let the Bureau know so that order can be added to the register.

The Bureau of Animal Welfare can be contacted via animal.welfare@dpi.vic.gov.au or on phone (03) 9217 4200.

POCTA enforcement seminar

The Bureau of Animal Welfare is planning on running a workshop/seminar in July 2011 for authorised officers under the *Prevention of Cruelty to Animals Act 1986* (POCTA) or Domestic Animals Act relating to the implementation of the POCTA legislation and animal welfare situations that enforcement officers may be involved in.

Details and the date for this seminar will be provided in the New Year. Topics currently under consideration are implementing the legislation, animal welfare emergencies, animal hoarding, case studies discussions/workshops, animal welfare assessment and enforcement issues. If you have any suggestions for this seminar or particular situations you would like to see the topic of case studies please email the Bureau of Animal Welfare at animal.welfare@dpi.vic.gov.au or by phone on (03) 9217 4200.

Condition score charts for dogs and cats

The Bureau of Animal Welfare has a large supply of dog and cat condition score charts that are available to Councils on request. These charts describe the five body condition categories for these two animals in relation to being emaciated, thin, ideal, overweight and obese. These charts may be useful for local veterinary clinics, your pound or members of the public in your area to assist providing information on healthy body standards for these animals. If you would like copies of the condition score charts please email the Bureau at animal.welfare@dpi.vic.gov.au

Copies of the Impounding of Livestock Manual

The Bureau of Animal Welfare has recently sent out three 'Impounding of Livestock Act 1994 Procedure Manuals' to each Council CEO for the purpose of being distributed to Authorised Officers dealing with livestock management in their municipal district. The Manual was developed in 2008 to assist Authorised Officers in the implementation of IL Act. This is the second mail out of the Manual over the past eighteen months to ensure that any new staff have access to this information. If you would like more copies of the Manual for other staff members please email the Bureau at animal.welfare@dpi.vic.gov.au

Horse owners need PIC

Dr John Harkin, Animal Standards Branch, Biosecurity Victoria

No, a PIC is not a tool for digging holes. PIC stands for *Property Identification Code*. Under Victorian legislation, all livestock owners are required to have a PIC.

The PIC data (stored on a farm database) provides DPI with up to date knowledge of Victoria's livestock populations and contact details for livestock owners, which proves invaluable in responding to emergency animal disease (EAD) events and assists with emergencies such as bushfires. Following the equine influenza outbreak, it was agreed that Victorian horse owners would be well served by being incorporated into the PIC system. This idea had gained strong industry support, which was further bolstered by the Black Saturday bushfire event.

Having PICs for horses is an issue that has also been pursued at national level, and it has now been agreed that all horse owners throughout Australia should have PICs allocated to their horse-bearing properties.

As from 1 July 2010, it will be compulsory for all Victorian horse owners to have a PIC identifying the properties where they keep their horses.

Applying for a PIC won't cost you a cent. An application form can be downloaded from the web, or mailed to you (ring 1800 678 779), or obtained from any DPI office - simply complete it and send it to DPI.

You will need to supply on your application your name, address and other contact details, and also the council property number or rates assessment number of the property at which the horse is to be kept (found on the rates assessment notice from the local council).

You must indicate on the form both that the property is used for horses, by ticking under "Horses" in the "Livestock Type" box, and entering the number of horses on the property. In the case of properties where horses are kept occasionally (e.g. showgrounds or pony clubs),

simply indicate on the form (by a tick) that horses are kept there from time to time, but enter "0" (zero) for the number at present.

Applicants will subsequently receive a credit-card style card which details their PIC through the mail, sent out each month.

Certain scenarios arise with the requirement to have a PIC that may pose practical difficulties, given the difference between livestock production enterprises for which the system was primarily developed and what are essentially companion animals. Additionally, unlike production livestock, no tracking of movement of horses between properties is envisaged.

- a) Existing properties with PICs and horses. Already, the owners of thousands properties with PICs have indicated that they have horses. There is no need for properties that have an existing PIC to apply for another. If you are not sure, call the DPI Helpline on 1800 678 779 - if there is already a PIC, you can advise that horses are running on it.
- b) Agistment on one property of multiple horses with different owners. It will be sufficient for the owner of the agistment property to apply and hold a PIC, although the owners of the agisted horses will need to satisfy themselves of this. It will soon be possible for PIC holders to view a list of Victorian PICs online, which will facilitate this process.
- c) Race courses and training stables. Provided that each course and stable is covered by a PIC, which could involve a listing of all relevant council property numbers on one application, the obligation will be deemed to have been met. Alternatively, individual training stables and the course could have a separate PIC if desired.
- d) Geographically separate parcels of land owned by one person. A person may apply for one PIC to cover all of the blocks that they own and run horses on. There is no need to apply separately for each block, as long as they are in the same locality.

To provide DPI with the most up to date information about the location in Victoria, and their numbers, horse owners need to regularly supply DPI with updates about their numbers and any changes to the parcels of land to which the PIC applies.

Further information can be obtained from the DPI Helpline on 1800 678 779.



Christmas Message



The staff at the Bureau of Animal Welfare would like to wish everyone a safe and enjoyable Christmas and a Happy New Year.