

# ***Animal Management (Cats and Dogs) Act 2008*—information regarding recent amendments and other matters**

## Recent amendments

On 12 November 2009, Parliament passed the *Building and Other Legislation Amendment Act 2009*, which included a number of amendments to the *Animal Management (Cats and Dogs) Act 2008* (the Act). The amendments to the Act commenced on 19 November 2009.

The main amendments are as follows.

### **Microchipping of cats and dogs earlier than eight weeks of age (section 24)**

As originally enacted, section 24(1) of the Act prescribed the minimum age of eight weeks of age for which a cat or dog could be implanted with a prescribed permanent identification device (PPID) unless the authorised implanter had a reasonable excuse. The minimum age requirement was included in the Act to protect the health of very young animals (refer Explanatory Notes to the *Animal Management (Cats and Dogs) Bill 2008*, p. 24).

While the existing provisions in section 24(1) of the Act relating to the eight weeks minimum age for microchipping and “reasonable excuse” are retained, the amendment will enable a PPID to be implanted in a cat or dog at an age earlier than eight weeks by an authorised implanter who is a veterinary surgeon if the implanter is satisfied that the implantation is not likely to be a serious risk to the health of the cat or dog. If the authorised implanter is not a veterinary surgeon, there must be a signed veterinary surgeon’s certificate for the cat or dog stating that implanting the PPID is not likely to be a serious risk to the health of the cat or dog.

As a consequence of allowing veterinary surgeons to exercise professional judgement in deciding whether a cat or dog is suitable for microchipping at an earlier age than eight weeks, the amendments provide that no proceeding can be taken against an authorised implanter under the pre-amended section 24.

The amendment to section 24(1) of the Act did not change in any way the current penalty (maximum 60 penalty units).



## Other amendments

A number of other amendments have been made to the Act under the *Building and Other Legislation Amendment Act 2009*.

Sections 97(1) and 98(1) of the Act relating to 'Failure to comply with permit conditions for a declared dangerous dog' and 'Failure to comply with permit conditions for a declared menacing dog' respectively have been amended to include one additional condition relating to giving of notice of change of residential address (schedule 1, section 8 of the Act). The amendments ensure consistency with section 54(2) of the Act. A relevant person for a declared dangerous or menacing dog will be required to provide notification of any change of residential address to the relevant local government.

The amendments to sections 97(1) and 98(1) of the Act did not change in any way the current penalties (maximum 75 penalty units respectively).

Schedule 1, section 3 of the Act relating to 'Muzzling and effective control in place that is not relevant place' has been amended to clarify that for the purposes of section 3(3)(a) a proposed menacing dog as well as a declared menacing dog do not have to be muzzled when not in the relevant place for the dog.

## Other matters—clarification of 'deferred date' (section 211)

Under section 211 of the Act a number of provisions do not apply in an area of a local government, other than in the area of a designated local government (as defined in schedule 2), until the 'deferred date'. Under schedule 2 of the Act, 'deferred date' means:

- the day that is two years after the date of assent of this Act or
- if an earlier day is prescribed under a regulation—the earlier day.

The Act was assented to on 11 December 2008. The Office of the Queensland Parliamentary Counsel has recently clarified that the 'deferred date' is 12 December 2010.

This means that for those councils that are not designated local governments and for which an earlier commencement date has not been prescribed under a regulation, the commencement date is 12 December 2010 for the following provisions of the Act:

- Chapter 2, part 1, division 1 (obligation on supplier or owner of cat or dog with respect to prescribed permanent identification devices)
- Chapter 3 (registration of cats and dogs)
- Sections 177, 178 (registers kept by local government)
- Section 221 (transitional registration provisions).

Any further enquiries regarding these matters should be addressed to the Department of Infrastructure and Planning's postal address: PO Box 15009, City East, Queensland 4002, or via telephone on 07 3404 3302, or via e-mail on: [catsanddogs@dip.qld.gov.au](mailto:catsanddogs@dip.qld.gov.au)

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