

Australian Capital Territory

Domestic Animals (Implanting Microchips in Dogs and Cats) Code of Practice 2008 (No 1)*

Disallowable instrument DI2008–67

made under the

Domestic Animals Regulation 2001, section 16 (Code of practice about implanting identifying microchips)

1 Name of instrument

This instrument is the Domestic Animals (Implanting Microchips in Dogs and Cats) Code of Practice 2008 (No 1).

2 Commencement

This instrument commences on the day after notification.

3 Approval of Code of Practice

The document entitled the “Code of Practice for Implanting Microchips in Dogs and Cats 2008” attached to this instrument is approved as a code of practice.

John Hargreaves MLA
Minister for Territory and Municipal Services

29 April 2008

*Name amended under Legislation Act, s 60

Australian Capital Territory

Code of Practice

for

Implanting Microchips

In

Dogs and Cats 2008

Code of Practice for Implanting Microchips in Dogs and Cats 2008

1. Background

- 1.1 This Code of Practice specifies the procedures and obligations to be followed by a person who implants microchips in a dog or cat in the Australian Capital Territory under Part 4 (Implanting Microchips) of the Domestic Animals Regulation 2001 (the Regulation).

Section 16 of the Regulation gives the Minister the power to approve a Code of Practice about the procedures to be followed by a person who implants an identifying microchip in a domestic animal.

Under subsection 16(3) of the Regulation, a person who implants an identifying microchip in a dog or cat commits an offence if he or she does not comply with this Code of Practice. The maximum penalty for this offence is 10 penalty units. The offence is a strict liability offence meaning a person can be held liable for not complying with the Code regardless of any wrongful intent or negligence.

2. Dictionary

- 2.1 The dictionary at the end of this Code of Practice is part of this Code.

3. Qualifications of authorised identifiers

- 3.1 A person is qualified to implant an identifying microchip if:
- (a) the person is a veterinary surgeon (see section 12 of the Regulation); or
 - (b) in any other case, the person is an authorised identifier (see section 13 of the Regulation) and has completed a course on the implantation of identifying microchips approved by the Registrar.

4. Obtaining the prescribed identifying particulars

- 4.1 A person must not implant an identifying microchip in a dog or cat unless:
- (a) the person has obtained the prescribed identifying particulars from the keeper of the animal; and
 - (b) the person is provided with a declaration signed and dated by the keeper or the keeper's agent stating that the information relating to the keeper is true and correct and the person named is the legal owner of the animal.

5. Advising of charges for services

- 5.1 Before implanting an identifying microchip in a dog or cat, a person must advise the keeper of the animal of any fees for services which an approved licence holder may charge as part of providing a domestic animals registry service for that animal.

6. Scanning for existing implanted and functioning identifying microchips

- 6.1 Before implanting an identifying microchip in a dog or cat:

(a) a person must determine whether an identifying microchip has previously been implanted in the animal by scanning the animal 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 properly; and

(b) if an identifying microchip is or is not detected, the person must continue scanning the body of the animal until he or she has determined to his or her reasonable satisfaction that all permanent identifying microchips previously implanted in the animal have been detected.

- 6.2 If an existing identifying microchip is detected, the person must notify the approved licence holder holding the records of the identifying microchip of that fact; and, if known, provide that approved licence holder with the name, address and telephone number of the person who presented the animal for implantation.

- 6.3 If an existing implanted identifying microchip is detected, a person must not implant a new identifying microchip unless:

(a) the implanted identifying microchip is not functioning correctly; or

(b) the implanted identifying microchip does not uniquely identify the animal;
or

(c) the implanted identifying microchip has migrated outside the areas of the animal scanned in 3(a) above; or

(d) the implanted identifying microchip is an identifying microchip as defined in Notifiable Instrument NI- Identifying Microchips for Dogs and Cats Approval 2008.

7. Checking an identifying microchip before implanting

7.1 A person must not implant an identifying microchip unless:

- (a) he or she has scanned the identifying microchip to confirm it is functioning correctly;
- (b) the unique identifying number displayed during scanning is the same as the number shown on the package in which the identifying microchip was sold or supplied to the person;
- (c) the identifying microchip was packaged in individual sterile packaging at the time it was obtained; and
- (d) the identifying microchip was kept in its packaging until immediately before scanning prior to implementation.

8. Implanting an identifying microchip

8.1 A person who implants an identifying microchip into a dog or cat must:

- (a) implant the identifying microchip subcutaneously in the dorsal midline between the scapulae with the chip 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 the identifying microchip is properly implanted and is functioning properly.

9. Provision of information by implanters

9.1 A person who has implanted an identifying microchip into a dog or cat must give the prescribed identifying particulars within two working days of doing so to an approved licence holder who has agreed to provide a domestic animals service to the dog or cat's keeper, in such a manner that the identity of the dog or cat's keeper is clearly evident to the approved registry service at the time the information is received.

9.2 A person who has implanted an identifying microchip into a dog or cat must retain a copy of the prescribed identifying particulars provided to an approved licence holder under para. 9.1 above until the particulars are recorded as part of the domestic animals registry service provided by the approved licence holder.

10. Provision of identifying particulars to certain persons

10.1 A person who has implanted an identifying microchip in a dog or cat must not provide any of the prescribed identifying particulars that forms part of the domestic animals registry service for that dog or cat to any person unless:

(a) the person is:

- (i) an employee of the authorised identifier;
- (ii) an approved licence holder or the employee of an approved licence holder;
- (iii) the keeper of the dog or cat;
- (iv) the chief executive or an employee in the department administering the Act;
- (v) an authorised officer under the Act or the Regulation; or
- (vi) any other person authorised by the chief executive; or

(b) the keeper has consented to provision of the information.

11. Removing an identifying microchip

11.1 A person, other than a veterinary surgeon, must not remove an identifying microchip from a dog or cat.

11.2 If a veterinary surgeon removes an identifying microchip for therapeutic reasons, he or she must notify the registry holding the records associated with that microchip of the removal.

12. Devices implanted before the commencement date

12.1 If a dog or cat has been implanted with an identifying microchip before 1 May 2008 that dog or cat is deemed to have been implanted with an identifying microchip.

Dictionary

authorised identifier means a person who is authorised under section 13 of the Regulation as an identifier of domestic animals for the purpose of implanting microchips in dogs or cats for identification purposes.

Note Under subsection 15(1) of the Regulation, a person commits an offence if they implant an identifying microchip in a dog or cat if the person is not a veterinary surgeon or an authorised identifier (maximum penalty: 10 penalty units. Persons apply to the Registrar to become authorised identifiers, see section 13 of the Regulation.)

identifying microchip means a device for implanting in a dog or cat to uniquely identify it as defined in Notifiable Instrument NI- Identifying Microchip for Dogs and Cats Approval 2008.

identifying particulars means the information for identifying dogs and cats specified in subsections 7(5) and 9(2), respectively, of the Regulation.

approved licence holder means a person who is authorised or licensed to provide a domestic animals registry service in another jurisdiction under a corresponding law and who has not been prohibited by the Registrar under section 19 of the Regulation to operate a domestic animals registry service available in the Australian Capital Territory.

corresponding law means the *Companion Animals Act 1998* (NSW); *Companion Animals Regulation 1999* (NSW); *Domestic (Feral and Nuisance) Animals Act 1994* (Vic.); and the *Domestic (Feral and Nuisance) Animals Regulations 2005* (Vic.) or as defined in the Dictionary of the Regulation.

keeper means –

- (a) for a registered dog – the registered keeper of the dog; or
- (b) for any other animal – the owner of the animal.

reader means an instrument used to scan an identifying microchip whether or not it is implanted in a dog or cat. A *reader* must meet definition of a reader specified in Notifiable Instrument NI- Identifying Microchips for Dogs and Cats Approval 2008.

Registrar means the registrar authorised under section 121 of the Act.

scan means to pass a reader over the skin of a dog or cat or an identifying microchip at a distance of no greater than 50 millimetres and at a sweep speed of no greater than 50 centimetres a second.

the Act means the *Domestic Animals Act 2000*.

the Regulation means the Domestic Animals Regulation 2001.