

# Reuniting lost pets

Issues paper



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## Introduction

The Victorian Government is reviewing the laws and processes relating to reunification of lost cats and dogs with their owners through vet clinics or registered animal shelters.

Under the existing law, anyone who picks up a stray cat or dog must provide it to their local council authorised officer, or to a person or business that has a specific agreement with council to accept lost pets.

The Government would like to reunite these lost pets more efficiently and reduce any regulatory, administrative and resource burdens on councils, vets and animal shelters.

It also wants to ensure that any proposed changes do not adversely impact animal welfare, community amenity, individual privacy or compliance activities.

In order to complete the review, the Government would like to hear from stakeholders involved in the lost pet reunification process.

## Review objectives

The review seeks to:

- investigate barriers and identify reforms that may enable lost cats and dogs handed in at vet clinics and registered animal shelters to be reunited with their owners more efficiently
- ensure any reform considers stakeholder views and regulatory requirements
- maintain protection of the community and environment from nuisance cats and dogs, and
- ensure animal welfare and compliance requirements are not negatively impacted by any reforms.

## Review scope

The review will examine:

- Reuniting lost cats and dogs that are identifiable through microchip records, handed in to:
  - Veterinary practitioners registered under the *Veterinary Practices Act 1997*, or
  - Animal Shelters registered and operating under Part 4 of the *Domestic Animals Act 1994* (DA Act)
- Legislative, regulatory and other instruments to achieve the above objectives, and
- Non-regulatory reforms that may facilitate more efficient reunification processes.

While rescue groups, foster carers and community foster care networks (CFCNs) play an important role in caring for Victoria's pets, their work is often for the purpose of rehoming rather than reuniting lost pets. Additionally, there are tight restrictions on accessing microchip data limited to authorised officers and authorised microchip implanters. As such, the focus of this review is lost pets being reunited with their owners that have been handed in at vet clinics and registered animal shelters, where a member of staff is likely to be authorised to access microchip information, rather than the adoption process involved in finding pets new homes.



## How you can contribute

The Government is eager to hear from all Victorians involved in the process of reuniting lost cats and dogs with their owners, particularly any experiences and/or expectations in relation to this process. Many Victorians own a dog or cat and have a valuable perspective to offer. Any interested parties are encouraged to consider the issues in this paper and complete the relevant survey to share their views.

The key stakeholder groups identified include:

- community, given the Victorian community's clear interest in animal welfare and high pet ownership rates
- rescue groups and CFCNs, given their unique perspective on animal care and agreements with council
- local council, as the primary regulator responsible for domestic animal management
- vet clinics, where lost cats and dogs are often delivered
- registered animal shelters, responsible for rehoming pets and often another location for lost cats and dogs to be delivered, and
- animal registry services, as the holders of microchip identification data for cat and dog owners.

## Review timelines

**July-August 2020:** Stakeholder consultation on issues paper

**August 2020:** Public submissions close

**October 2020:** Final report and recommendations developed for government consideration

## Layout of this paper

The next sections of this issues paper outline:

- the current framework and pathways for reuniting lost pets with their owners, and
- the key issues and considerations associated with the current framework and pathways.

This information aims to inform you of the project's key considerations. You are encouraged to use this information to assist you in responding to the survey most relevant to you.

## Current reunification process overview

In 2019, Victoria had approximately 663,000 dogs and 221,500 cats registered with its 79 councils. Some of these cats and dogs can become lost or roam from their owner's property for various reasons. These include open gates, escaping, storms causing fear, abandonment or misfortune.

The issues associated with lost and roaming cats and dogs include the animal's welfare (e.g. vehicle collision), the welfare of other animals and wildlife (predation or attack), nuisance, property damage and human safety. Owners may also experience grief if their pet is not returned to them because it is kept by the person who found them roaming or returned to an incorrect owner through outdated contact details.

Responsible pet ownership helps ensure the best possible outcomes for the lost pet, environment, community and the owner. Appropriately identified and council registered pets are more likely to be returned to their owners quickly, and with less fuss, than pets with no identification or registration.

There are legislated mechanisms under the DA Act that help facilitate the reunification of lost pets with their owners. These include:

- **Compulsory handover to council authorised officers.** By law (section 84D of the DA Act), anyone who picks up a stray cat or dog must provide it to their local council authorised officer, or person/business that has a specific agreement with council to accept lost pets (e.g. some vet clinics and registered animal shelters). Currently it is not possible for the public to easily determine which vet clinics or animal shelters have agreements with councils, meaning most people will need to call the council to arrange for animal collection or drop-off.
- **Microchipping.** All cats and dogs are required to be microchipped prior to being registered with their local council (section 10C of the DA Act) or being sold or given away (section 12A of the DA Act). When scanned, the microchips provide a number that can be checked against an animal registry service database to determine the owner's details (if kept current by the owner) for reunification.
- **Council registration tags.** Councils also provide registered pets with a council registration tag that must be displayed (on the pet's collar or similar) when the pet is off its owner's property (section 19 of the DA Act). The tag helps to identify the owner through a registration number, but can also include the owner's telephone number to aid reunification.
- **Section 84Y agreements.** Under the DA Act, a council can enter into an agreement with a person or body (usually a vet clinic or registered animal shelter) and allow them to accept, retain, sell, give, destroy, and charge fees for animals managed under such agreements. Many people who wish to hand in lost pets do not realise that without a council 84Y agreement, animal shelters and vet clinics cannot legally accept lost pets.

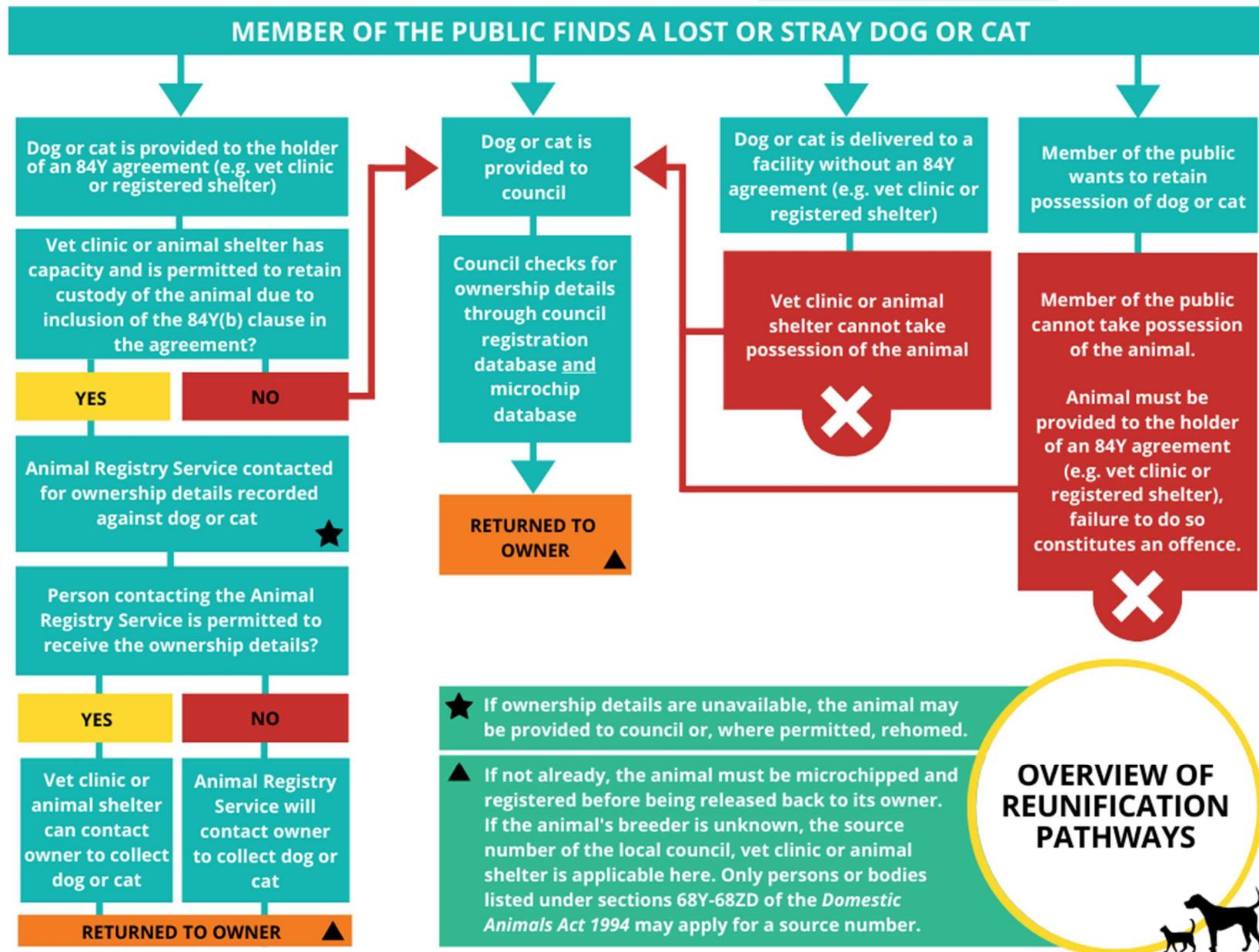
These legislated mechanisms allows councils to find and keep records of lost animals, ensuring animal welfare and community safety. The council registration tag or microchip then allows the council to identify and contact the owner, return the pet and investigate any issues that occurred while the pet was at large, if required. These could include dog attack, property damage, negligence and animal welfare issues. As a result of investigations, the owner may be fined for any offences under the DA Act and could also be asked to pay any



relevant council holding fee for the pet. These mechanisms are intended to return the animal to its rightful owner, through the council's access to both microchipping and registration information.

If the lost pet has no council registration tag or microchip, then the animal is kept for a minimum of eight days in a pound, to allow it to be reclaimed by its owner. If it is not reclaimed, the animal is then assessed to determine its suitability for adoption and rehoming.

A simplified overview of the three current pathways to reunite lost (microchipped/identifiable) pets and a table of permitted actions is shown overleaf.



## Summary table of current permitted (✓) and non-permitted (✗) actions for lost pets

Management of lost pet	Council	Vet Clinic with		Animal Shelter with		Animal Registry Service	Rescue groups/CFCNs	Community
		84Y agreement	no 84Y agreement	84Y agreement	no 84Y agreement			
Legally receive lost pet	✓	✓	✗	✓	✗	✗	✗	✗
Access council pet registration database	✓	✗	✗	✗	✗	✗	✗	✗
Access Animal Registry Service (microchip) data*	✓	✓	✓	✓	✓	✓	✗	✗
Contact owner on Animal Registry Service*	✓	✓	✓	✓	✓	✓	✗	✗
Check the dangerous dog register	✓	✗	✗	✗	✗	✗	✗	✗
Recoup costs for holding and vet care†	✓	✓	✗	✓	✗	✗	✗	✗
Conduct enforcement and compliance activity	✓	✗	✗	✗	✗	✗	✗	✗
Rehome‡	✓	✓	✗	✓	✗	✗	✗#	✗
Euthanise	✓	✓	✗	✓	✗	✗	✗	✗

\*Only certain people within a council, vet clinic or animal shelter can obtain ownership information, unless the owner consented to information being provided to anyone for reunification purposes when the pet was originally microchipped.

†This presumes the facility has capacity and capability, some facilities may not be able to do this

# Rescue groups/CFCNs can rehome animals after they have been legally received by council, or a vet clinic or animal shelter with an 84Y agreement with council.

An 84Y agreement is a specific agreement between a local council and usually a facility made under section 84Y of the *Domestic Animals Act 1994*. Depending on the conditions of the agreement it can permit actions like receiving lost pets, rehoming unclaimed pets and charging fees for managing, desexing, caring for and microchipping animals.



## Key issues

The following key issues outline considerations associated with reuniting lost dogs and cats. It is designed to stimulate comment and discussion on how to improve the process of directly reuniting pets with their owners.

The issues presented focus on the current laws, systems and processes used to reunite owners with lost cats and dogs handed in at a vet clinic or registered animal shelter.

### Animal welfare and safety

**Any pet reunification process should ensure the welfare and safety of the pet, environment, wildlife and other animals is maintained.**

Responsible pet ownership requires confining your cats and dogs to your premises. Roaming cats and dogs are at an increased chance of being killed or injured.

**Cats:** While the DA Act does not mandate cat confinement, serious problems can occur if cats are allowed to roam freely outdoors, particularly at night when around 80% of accidents involving cats occur. Roaming cats can get hit by cars, injured in fights, catch fatal diseases or become lost.

Roaming cats also kill native wildlife and create neighbourhood nuisance by spraying and defecating on property, fighting with other cats and dogs, yowling and digging in gardens.

If your cat is found wandering off your property and is not identified, it can be seized and impounded. You may also have to pay a fine when reclaiming your cat from the council.

**Dogs:** Legally, you are required to securely confine your dog to your property. This means your yard must have a closed gate and an escape proof fence.

If securely confined, your dog will be safe from things like traffic injuries or fights with other dogs. It will also be prevented from wandering, attacking or injuring other animals and becoming lost.

While animal shelters regularly deal with surrendered pets and therefore have well established quarantine procedures, animals of unknown origin brought into a vet clinic can pose a disease and infection risk. Government would like to hear from vets regarding these risks, particularly if the owner does not collect the animal in a timely manner.

Lost pets may require veterinary treatment while in the care of the vet. How vets deal with this situation in the absence of any arrangement with the owner is of interest.

Any process should prioritise reuniting the lost pet with their owner as quickly and safely as possible, to mitigate welfare risks.



## Public safety

**Any changes to the pet reunification process must ensure that public safety measures are maintained.**

Dog attacks on people and other animals are reported to local councils every day. Many dog attacks in public places occur on the footpath or road in front of the attacking dog's home.

The consequences of a dog attack can be extremely serious and, in some cases, fatal. Similarly, the consequences of a cat or dog roaming into traffic can also be serious. Councils must be made aware of wandering cats and dogs in order to address public safety and reduce the risk, or occurrence, of future dog attacks and roaming events.

Any dog handed in to a vet clinic or registered animal shelter suspected of being involved in an attack should be reported and/or delivered (if safe to do so) to the local council immediately.

Councils have an obligation to investigate attacks to ensure the risks and issues associated with the attack can be properly dealt with and avoided in future. If a dog was returned to the owner by a vet clinic or animal shelter without notifying the council, then the problem that contributed to the initial attack may not be addressed and further attacks or escape events could result.

Any reforms to the pet reunification process may need to consider keeping existing, or adding new, mandatory reporting requirements to councils by vet clinics and registered animal shelters, so that public safety and compliance actions can be appropriately managed.

This mandatory reporting to council is particularly useful in relation to dogs that have been declared dangerous or menacing and restricted breed dogs. As it is difficult for vet clinics and shelters to easily determine the history, including declarations, of any lost dogs handed in, particularly after hours, this reporting mechanism would allow councils to conduct any required follow-up compliance activity.

Public safety can be compromised through people attempting to obtain location details of owners through pet microchip data, and other means, at vet clinics and shelters. This is particularly concerning in relation to reports that some individuals on family violence orders have made attempts to locate people through this process. Vets and animal shelters are encouraged to detail these, and any other public safety matters that have resulted from the lost pet reunification process, when responding to the survey.



## Handover options

**Changes to the handover options should consider what guides a person's decisions on where to take lost pets.**

People that have found a lost pet will likely do one of three things:

1. Call their local council so that an authorised officer can come and collect the animal or arrange for a drop-off at another location. Legally this is what is required under the DA Act (section 84D).
2. Deliver the pet directly to an animal shelter or vet clinic. This may be more convenient, or they may have an existing relationship with their local vet or registered shelter, or they may not be aware of their council's services
3. Keep the animal, with the best intentions, however this may not be in the best interest of the animal, especially if it has an owner.

As the responsible regulatory authority, councils should not get overlooked in this process, as it is council's job to ensure their residents are looking after their pets responsibly and reduce the risk of dangerous pets in the community. Council are best placed to be a central contact point for lost pets. Owners who are trying to find their pet don't have to try to contact all the vet clinics or animal shelters in their local area or rely on social media. Councils require owners to update their pet's details on a yearly basis at registration time, increasing the chances of them holding the most up to date information on an animal. Relying solely on microchip details (that may have not been updated since early in a pet's life) can delay or complicate the reunification process.

Any options for handing in lost pets must ensure owners have the best opportunity of being reunited with and recovering their pet as quickly and safely as possible.

## Section 84Y agreements

**Consider what reforms are required to the section 84Y agreement process to make the reunification process more effective.**

Currently, some councils enter into agreements (under section 84Y of the DA Act) with individual registered animal shelters and vet clinics to allow them to legally accept lost pets being dropped off at these locations.

If a vet clinic or animal shelter does not have a section 84Y agreement with council, it cannot accept lost pets from the community.

These agreements can have specific requirements for the relevant parties regarding record keeping, mandatory reporting to council, vet care, cost recovery, sale, microchipping and desexing. The agreements tend to vary between councils, both in the number of organisations that can accept animals and in the way the animals are managed.

Rescue groups and CFCNs may also enter into separate non-84Y agreements with pounds and shelters under the [Code of Practice for the Management of Dogs and Cats in Shelters and Pounds](#), often for the purpose of rehoming animals rather than reuniting lost pets. There are tight restrictions on accessing microchip data limited to authorised officers and authorised microchip implanters. As such, the focus of this review is lost pets handed in at vet clinics and registered animal shelters, who do often have a member of staff authorised to access microchip information.



## Compliance issues

### **Consider the compliance and enforcement implications associated with reforming the process to reunite lost pets with their owners.**

All dogs and cats over the age of three months must be registered with the local council in which they reside. The fee to register cats and dogs is set by individual councils in line with funding requirements for animal management activities in that municipality. This gives councils the flexibility to tailor the types of services they provide to their community for dog and cat management.

Local council is the primary regulator for monitoring compliance with the DA Act's requirements, including pet registration and containment. While some cats or dogs may be microchipped, it has been reported that not all are registered with the relevant local council. Ensuring the equitable sharing of animal management service costs amongst all pet owners is an important consideration for councils.

It is therefore vital that council is made aware of any wandering cats and dogs in their municipality to ensure pet owners are complying with any legal requirements, including the requirement to register their pet and contribute to the cost of animal management in the municipality.

Any reforms to the process for reuniting lost pets must consider how to encourage and monitor compliance for any unregistered cats and dogs. Failing to do this could result in more expensive registration fees for responsible pet owners or reduced animal management services delivered to the community.

Vet clinics are likely to have the authority and equipment to scan for a microchip and request the owner's details from the relevant animal registry (section 63H(2)(a)(i) of the DA Act). However, there is no legislative requirement for a vet to scan a lost pet for a microchip.

Registered shelters are most commonly owned and managed by animal welfare organisations and are primarily established for the longer-term care of surrendered and homeless pets. They are subject to legal requirements under the DA Act. All shelters must be registered as domestic animal businesses under the DA Act and comply with the [Code of Practice for the Management of Dogs and Cats in Shelters and Pounds](#). In contrast to vet clinics, an animal shelter or pound must scan a pet within 3 days of arrival at the facility (section 63J of the DA Act).

Many registered shelters have agreements with local council under section 84Y, meaning they can rehome unclaimed pets and charge fees for managing, desexing and microchipping the pets in their care. These 84Y agreements vary between councils and may contain mandatory reporting requirements. For example, a shelter must inform council of any animals they receive and return to their owner. This can aid the council with follow-up compliance activities, if required.

Like vets, most shelters will contact an animal registry service to determine ownership of a lost pet through a scanned microchip number.



Whether the pet is microchipped or not, registered animal shelters are obliged to hold the animal for at least 8 days before trying to rehome it (section 84M of the DA Act). The holding period is particularly important for pets that have not been microchipped or identified with a council tag. The period provides the owner with a final opportunity to locate and reclaim their pet before it is assessed for rehoming. There are currently no similar legislated requirements for vet clinics. It is also unclear whether vet clinics have the ability or desire to hold lost pets for such a period.

## Legal and financial issues

### **Changes to the reunification process must consider legal and financial implications to stakeholders.**

As vet clinics are not specifically established to look after lost pets for extended periods, there are many legal and business risks they need to consider in relation to accepting lost pets.

If the ownership data linked to an animal's microchip is not current, the vet may inadvertently contact and provide the pet to a previous owner or release information in breach of privacy requirements. If the current owner subsequently discovers this error, liability for this error may become a disputed legal matter between the concerned parties.

Any care or treatment provided to the lost pet without a legal agreement may be costly, particularly if the owner does not collect the pet in a timely manner. If the owner refuses to collect the animal or pay the treatment/feeding/boardings costs, then the vet is left with both the financial liability and the animal. If several pets are left with a vet clinic for an extended period of time, this may impact the ability of the vet clinic to service other clients.

If a person is reclaiming their lost animal from a shelter, they may have to pay shelter holding fees and council seizure fees if it was collected by an authorised officer. If the animal is not registered with the local council, the owner may also be required to pay council registration before the pet is returned. Any costs associated with veterinary treatment while the animal was in the shelter could also be charged to the owner.



## Privacy and data accuracy considerations

**The data gathered and accessed during the reunification process creates data accuracy, management and privacy responsibilities for those involved.**

If a pet has been registered with council, ownership information is kept on a council database that council is responsible for updating and maintaining. Council's individual privacy and compliance policies may dictate to whom and under what circumstances they may divulge pet ownership information.

In Victoria, all cats and dogs must also be microchipped before being registered with council. This ownership information is linked to a microchip record by the microchip implanter (usually a vet) and sent to an animal registry service for storing and long-term maintenance of data.

Accurate and secure council data can provide owners with confidence that if a lost pet is handed in to council, it will be returned to them quickly. Council also acts as a convenient central contact for lost pets as it may not be quick or simple for owners to contact all the local vet clinics and shelters in an attempt to locate a lost pet.

If a pet owner sells or gives away a cat or dog, a transfer of ownership form for the microchip details should accompany the pet so that the animal registry service can update owner details. The accuracy of the data in the animal registry service database can be compromised if the new owner does not complete the transfer correctly (e.g. no signature from the previous owner) or pay the required transfer fee. As such, if a shelter or vet attempts to reunite a lost pet using animal registry data alone, there may be instances where the data is not current.

When a vet clinic or animal shelter contacts an animal registry service, the animal registry is restricted under section 63H(2) of the DA Act as to who they can provide ownership details to, unless the owner consents to the details being made available for the purposes of reuniting them with their animal. Usually owners give this consent at the time of microchipping the animal.

It appears that this consent provision may not be widely used by vets or animal registry services or is generally unknown by the public. Wider use of this consent provision (or having an opt-out rather than opt-in approach for owners to this provision) could assist vet clinics and shelters to more quickly reunite lost pets with their owners.

Wider use of such a consent provision may be beneficial in many circumstances for reuniting lost pets, however, information privacy protection remains vital in all situations. This includes circumstances outlined in the public safety section of this paper where people on family violence orders attempt to locate family members through a pet registry system.