Animal Care and Protection (Code of Practice for Breeding of Dogs) and Other Legislation Amendment Regulation 2017

Subordinate Legislation 2017 No. 208

made under the

Animal Care and Protection Act 2001
Animal Management (Cats and Dogs) Act 2008

Contents

<table>
<thead>
<tr>
<th>Part 1</th>
<th>Preliminary</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Short title</td>
</tr>
<tr>
<td>2</td>
<td>Commencement</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Part 2</th>
<th>Amendment of Animal Care and Protection Regulation 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Regulation amended</td>
</tr>
<tr>
<td>4</td>
<td>Amendment of s 2 (Provisions made as codes of practice)</td>
</tr>
<tr>
<td>5</td>
<td>Amendment of s 4 (Relationship between particular codes of practice)</td>
</tr>
<tr>
<td>6</td>
<td>Insertion of new s 5A</td>
</tr>
<tr>
<td>5A</td>
<td>Requirement to keep particular records for breeding dog</td>
</tr>
<tr>
<td>7</td>
<td>Insertion of new sch 3A</td>
</tr>
</tbody>
</table>

| Schedule 3A | Code of practice for breeding of dogs | 6 |

<table>
<thead>
<tr>
<th>Part 1</th>
<th>Preliminary</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Definitions for schedule</td>
</tr>
<tr>
<td>2</td>
<td>Meaning of relevant puppy</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Part 2</th>
<th>Accommodation requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Housing</td>
</tr>
<tr>
<td>4</td>
<td>Whelping</td>
</tr>
<tr>
<td>5</td>
<td>Exercise area</td>
</tr>
</tbody>
</table>
## Contents

<table>
<thead>
<tr>
<th>Part 3</th>
<th>Food and water requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Access to food .............. 8</td>
</tr>
<tr>
<td>7</td>
<td>Access to water ............. 8</td>
</tr>
<tr>
<td>8</td>
<td>Ability of relevant puppy to feed .......... 9</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Part 4</th>
<th>Enrichment requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>9</td>
<td>Enrichment ................. 9</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Part 5</th>
<th>Other requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>Breeding ............... 10</td>
</tr>
<tr>
<td>11</td>
<td>Health inspections .... 11</td>
</tr>
<tr>
<td>12</td>
<td>Veterinary treatment ... 11</td>
</tr>
<tr>
<td>13</td>
<td>Communicable diseases ... 12</td>
</tr>
<tr>
<td>14</td>
<td>Grooming .................. 13</td>
</tr>
</tbody>
</table>

### Part 3

**Amendment of Animal Management (Cats and Dogs) Regulation 2009**

| 8      | Regulation amended ........ 13 |
| 9      | Amendment of s 30B (Approved entities—Act, s 43W) ........ 13 |
Part 1 Preliminary

1 Short title

This regulation may be cited as the Animal Care and Protection (Code of Practice for Breeding of Dogs) and Other Legislation Amendment Regulation 2017.

2 Commencement

Part 2 commences on 1 October 2018.

Part 2 Amendment of Animal Care and Protection Regulation 2012

3 Regulation amended

This part amends the Animal Care and Protection Regulation 2012.

4 Amendment of s 2 (Provisions made as codes of practice)

Section 2(1)—

insert—

(d) schedule 3A.

5 Amendment of s 4 (Relationship between particular codes of practice)

Section 4(1)(a), ‘or schedule 2 or schedule 3’—

omit, insert—

, 2, 3 or 3A
6 Insertion of new s 5A

After section 5—

insert—

5A Requirement to keep particular records for breeding dog

(1) This section applies if—

(a) breeding dogs are usually kept at premises; and

(b) 5 or more of the breeding dogs are female.

(2) A person in charge of each breeding dog usually kept at the premises must ensure—

(a) the relevant information for the dog is recorded, in writing, within 7 days after the information comes into existence for the dog; and

(b) the record of the relevant information is kept for 3 years after the later of the following—

(i) the dog is last used for breeding;

(ii) the dog is no longer kept for breeding.

Maximum penalty—20 penalty units.

(3) However, subsection (2) does not apply if the premises at which the breeding dog is usually kept are—

(a) a pound or shelter within the meaning of the Animal Management (Cats and Dogs) Act 2008, schedule 2; or

(b) a veterinary surgery to the extent the surgery provides shelter for a dog that is homeless, lost or stray.

(4) In this section—

breeding, in relation to an undesexed dog, see schedule 3A, section 1.
breeding dog see schedule 3A, section 1.

PPID number see the Animal Management (Cats and Dogs) Act 2008, schedule 2.

relevant information, for a breeding dog, means the following information—

(a) the dog’s date of birth, if known, or the estimated date of the dog’s birth;

(b) the dog’s name;

(c) the name and date of birth of the dog’s parents, if known;

(d) the PPID number for the dog or the certificate mentioned in the Animal Management (Cats and Dogs) Act 2008, section 14(2)(a) for the dog;

(e) information about any ill-health of the dog;

(f) any written approval mentioned in schedule 3A, section 10(1)(b) or (3) or 13(2) for the dog;

(g) for any veterinary treatment received by the dog—

(i) the name of the veterinary surgeon giving the treatment; and

(ii) the advice from the consultation with the veterinary surgeon; and

(iii) the type of veterinary treatment provided; and

(iv) the results of the treatment;

(h) for each mating of the dog—

(i) the name of the other dog with which it is mated and the PPID number for the other dog; and

(ii) the date of each mating;
(i) the date of each whelping of the dog;
(j) for each litter of the dog—
   (i) the number of living puppies; and
   (ii) the number of stillborn puppies;
(k) the date of the dog’s death and, if known, the cause of death.

undesexed dog see schedule 3A, section 1.

veterinary surgery see the Animal Management (Cats and Dogs) Act 2008, schedule 2.

7 Insertion of new sch 3A

After schedule 3—

insert—

Schedule 3A  Code of practice for breeding of dogs

section 2(1)(d)

Note—
For the prohibition of cruelty to animals, see section 18 of the Act.

Part 1 Preliminary

1 Definitions for schedule

In this schedule—

breeding, in relation to an undesexed dog—

(a) means mating the dog with another undesexed dog; and
(b) for a female dog—includes whelping.

*breeding dog* means an undesexed dog kept or used for breeding.

desex see the *Animal Management (Cats and Dogs) Act 2008*, schedule 2.

dog means an animal of the species *Canis lupus familiaris*, or domestic dog.

*relevant puppy* see section 2.

*undesexed dog* means a dog that has not been desexed.

*whelp* means to give birth.

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2 **Meaning of relevant puppy**

A puppy is a *relevant puppy* until the earlier of the following—

(a) it is 6 months old;

(b) it is supplied to a person and the person takes custody of it.

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3 **Housing**

A person in charge of premises used for keeping a breeding dog or a relevant puppy must ensure the dog or puppy is provided housing that is designed, constructed and maintained for its welfare.

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4 **Whelping**

(1) This section applies if a female breeding dog is whelping.
(2) A person in charge of the breeding dog must ensure it is provided with an area that is isolated from other animals.

5 Exercise area
A person in charge of premises used for keeping a breeding dog or a relevant puppy must ensure the dog or puppy is provided an area to exercise that is designed and maintained for its welfare.

Part 3 Food and water requirements

6 Access to food
(1) A person in charge of a breeding dog or a relevant puppy must ensure the following—
(a) the breeding dog has access to food at least once in each 24-hour period;
(b) if the puppy is weaned from its mother—the puppy has access to food at least once in each 12-hour period.
(2) The person must also ensure the food is adequate—
(a) to keep the breeding dog or relevant puppy in good health; and
(b) to meet the physiological needs of the breeding dog or relevant puppy, including any increased physiological needs because of pregnancy or lactation.

7 Access to water
A person in charge of a breeding dog or a relevant
puppy must ensure—
(a) the dog or puppy has access to drinking water at all times; and
(b) the quality and quantity of the water meets its physiological needs.

8 Ability of relevant puppy to feed
(1) A person in charge of a relevant puppy must not supply, and give custody of, the puppy to another person unless the puppy is able to consume food that is adequate for its physiological needs.

(2) In this section—
food does not include milk of a female dog that is lactating.

Part 4 Enrichment requirements

9 Enrichment
A person in charge of a breeding dog or a relevant puppy must ensure the dog or puppy is given—
(a) social interaction with a person at least once each day; and

Examples of social interaction—
• being groomed, petted or played with by a person
• being walked on a leash or trained by a person

(b) other enrichment that meets the behavioural, physical and psychological needs of the dog or puppy.
Examples of other enrichment—
• being exercised
• playing with other dogs or puppies
• engaging in recreational feeding activities
• using recreational feeding devices or toys

Part 5 Other requirements

10 Breeding
(1) A person in charge of an undesexed female dog must ensure the dog is not used for breeding unless—
   (a) the dog is—
       (i) physically mature; and
       (ii) fit and healthy; or
   (b) the person has written approval by a veterinary surgeon that the dog has been examined by the veterinary surgeon, and the veterinary surgeon reasonably considers the dog is ready for breeding.

(2) A person in charge of an undesexed dog must ensure the dog is not used for breeding with—
   (a) the dog’s progeny; or
   (b) a parent or sibling of the dog.

(3) A person in charge of an undesexed dog displaying, or diagnosed with, a deleterious heritable condition must ensure the dog is not used for breeding, unless the person has written approval of a veterinary surgeon or a relevant geneticist.

(4) In this section—
    deleterious heritable condition, for a dog, means
a health condition of the dog that—
(a) is heritable; and
(b) if inherited by the progeny of the dog, may adversely affect the progeny’s welfare.

*Examples of a deleterious heritable condition*—
brachycephalic syndrome, epilepsy, degenerative myelopathy, hip dysplasia, urinary bladder stones

**physically mature**, for a female dog, means the dog has attained adult body size and weight that are consistent with the dog’s breed or, if the dog is a mixed breed, the dog’s dominant breed.

**relevant geneticist** means a person who—
(a) holds a degree from a university in the science of animal genetics; and
(b) specialises in canine genetics.

### 11 Health inspections

A person in charge of a breeding dog or a relevant puppy must ensure the dog or puppy is inspected, at least once a day, to assess its health and wellbeing.

### 12 Veterinary treatment

(1) A person in charge of a female dog must seek veterinary treatment for the dog as soon as practicable after the person becomes aware of any of the following—

(a) a reproductive organ, or part of a reproductive organ, of the dog has a discharge that is abnormal;

*Example of a reproductive organ*—
mammary gland, vulva
(b) the dog has an inflamed or ulcerated mammary gland;

(c) if the dog is whelping—the whelping appears to be proceeding in a way that is detrimental to the welfare of the dog or a puppy of the dog;

(d) if the dog is lactating, the dog is—

(i) losing weight excessively or rapidly; or

(ii) behaving abnormally for a dog that is lactating.

Examples of abnormal behaviour for a lactating dog—

- avoiding physical contact with its puppies
- shivering or displaying muscle tremors

(2) Also, a person in charge of a relevant puppy must seek veterinary treatment for the puppy as soon as practicable after the person becomes aware of any of the following—

(a) the puppy is not gaining weight that is adequate for the age and breed of the puppy;

(b) the puppy has an abnormality, defect or deformity that is likely to have a significant impact on its welfare;

Example of an abnormality, defect or deformity—

- a cleft palate

(c) the puppy appears to be otherwise sick, weak or injured.

### 13 Communicable diseases

(1) This section applies if a breeding dog (the **infectious dog**) or a relevant puppy (also the **infectious dog**) has, or appears to have, a disease that is communicable to another dog.
Examples of a disease that is communicable to another dog—
canine distemper, infectious canine hepatitis, canine parvovirus

(2) A person in charge of the infectious dog must ensure it is isolated from other dogs unless the person has a veterinary surgeon’s written approval that the infectious dog need not be isolated.

14 Grooming

A person in charge of a breeding dog or a relevant puppy must ensure—
(a) the coat of the dog or puppy is clean and not matted or otherwise tangled; and
(b) the dog or puppy is otherwise groomed at intervals that are appropriate to maintain its welfare.

Part 3 Amendment of Animal Management (Cats and Dogs) Regulation 2009

8 Regulation amended
This part amends the Animal Management (Cats and Dogs) Regulation 2009.

9 Amendment of s 30B (Approved entities—Act, s 43W)
Section 30B—
insert—
(d) the Queensland Racing Integrity Commission established under the Racing Integrity Act 2016.
ENDNOTES
1 Made by the Governor in Council on 5 October 2017.
2 Notified on the Queensland legislation website on 6 October 2017.
3 The administering agency is the Department of Agriculture and Fisheries.

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