



New South Wales

Dog Regulation 1997

under the

Dog Act 1966

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the *Dog Act 1966*, has been pleased to make the Regulation set forth hereunder.

E. T. PAGE MP

Minister for Local Government

Explanatory note

The object of this Regulation is to repeal and remake, with no changes in substance, the provisions of the *Dog Regulation 1981* under the *Dog Act 1966*. The new Regulation deals with the following matters:

- (a) the period for which registration of a dog has effect (clause 5),
- (b) the fee payable for the registration of a dog under the Act (clauses 6, 7, 8, 9 and 10),
- (c) the fee to be paid for the release of a dog that has been seized under the Act (clause 11),
- (d) the fee payable for the issue of a replacement registration badge for a dog (clause 12),
- (e) the declaration of Centennial Park and Moore Park as “prescribed lands” for the purposes of the Act and the appointment of the Director of those Parks as the Administrator of those lands (clause 13),
- (f) the declaration of dogs (other than greyhounds) that must be muzzled (clause 14),

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Explanatory note

- (g) penalty notices under the Act (clause 15),
- (h) other formal matters (clauses 1 2, 3, 4, 16, 17 and 18).

This Regulation is made under the Dog Act 1966, including section 27 (the general regulation making power) and sections 11, 14, 15 and 22A.

This Regulation is made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989*.

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Clause 1 Dog Regulation 1997

Part 1 Preliminary

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Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Dog Regulation 1997*.

2 Commencement

This Regulation commences on 1 August 1997.

3 Definitions

In this Regulation:

eligible pensioner means a person who belongs to a class of persons prescribed by the regulations under the *Local Government Act 1993* for the purposes of paragraph (a) of the definition of *eligible pensioner* in the Dictionary to that Act.

guide dog means a dog that has been trained as a guide or assistant for a person who is blind or partly blind or deaf or partly deaf.

the Act means the *Dog Act 1966*.

4 Notes

The explanatory note and table of contents do not form part of this Regulation.

Part 2 Registration of dogs

5 Period of registration: section 14

- (1) The registration of a dog remains in force from the date on which a registration badge is issued for the dog until the following 30 September.
- (2) For the purposes of this clause, a registration badge that is issued during the month of September is taken to have been issued on the following 1 October.

6 Maximum general registration fee: section 14

The maximum general registration fee for a dog is \$12.

7 Reduction of registration fees for desexed dogs

- (1) If the applicant for registration of a dog satisfies the council that the dog has been desexed or is permanently incapable of reproduction, the fee for registration of the dog is one-third of the general registration fee for the dog.
- (2) Without limiting subclause (1), a council may be satisfied that a dog has been desexed or is permanently incapable of reproduction if the applicant for registration of the dog lodges with the council a statutory declaration, or a certificate signed by a veterinary surgeon, to that effect.
- (3) The amount of the registration fee is to be rounded down to the nearest 10 cents.

8 Reduction of registration fees for applications made between 31 March and 31 August in any year

- (1) The fee for registration of a dog in respect of which an application for registration is made on or after 31 March in any year, and on or before 31 August in that year, is one-half of the general registration fee for the dog or (if the reduction under clause 7 applies) one-sixth of the general registration fee for the dog.
- (2) The amount of the registration fee is to be rounded down to the nearest 10 cents.

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Clause 8 Dog Regulation 1997

Part 2 Registration of dogs

9 Reduction of registration fees for dogs owned by certain classes of owners

- (1) The maximum fee for registration of an eligible dog is \$1.50.
- (2) In this clause, *eligible dog* means a dog whose owner is:
 - (a) an eligible pensioner, or
 - (b) a person who keeps the dog for the purpose of working rural properties or driving stock (being the second or subsequent dog so kept by that person in that area), or
 - (c) a person who keeps the dog for breeding purposes at breeding kennels registered with the Royal New South Wales Canine Council (being the second or subsequent dog so kept by that person in that area), or
 - (d) a person who is a registered veterinary surgeon, within the meaning of the *Veterinary Surgeons Act 1986*, and who keeps the dog for the purpose of producing veterinary medicines (being the second or subsequent dog so kept by that person in that area), or
 - (e) a person who keeps the dog for the purpose of greyhound racing (being the second or subsequent dog so kept by that person in that area), or
 - (f) a person who keeps the dog for the purpose of training it, or for the purpose of its eventually being trained, to become a guide dog.

10 Exemption from payment of registration fees for dogs owned by certain classes of owners

A person who is blind or partly blind or deaf or partly deaf is exempt from payment of registration fees for any one guide dog owned by the person.

Part 3 Other fees

11 Fees for release of dog: section 11

- (1) For the purposes of section 11 of the Act, the prescribed fee for the release of a dog that has been seized in a particular area is \$10.
- (2) However, the prescribed fee is \$20:
 - (a) if the dog has been seized in the same area on a previous occasion during the preceding period of 12 months, and
 - (b) if the owner of the dog on that previous occasion was the same person as the current owner of the dog.

12 Fees for replacement registration badges: section 15

For the purposes of section 15 of the Act, the prescribed fee is \$1.

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Clause 13 Dog Regulation 1997

Part 4 Miscellaneous

Part 4 Miscellaneous

13 Prescribed land: section 4

- (1) Trust lands within the meaning of the *Centennial Park and Moore Park Trust Act 1983* are prescribed for the purposes of the definition of *prescribed land* in section 4 (1) of the Act.
- (2) The Director of Centennial Park and Moore Park is prescribed, in relation to that land, for the purposes of the definition of *administrator* in section 4 (1) of the Act.

14 Dogs that must be muzzled: section 7

For the purposes of section 7 of the Act, each of the following is prescribed as a species or kind of dog to which that section applies:

American Pit Bull Terrier

15 Penalty notices: section 22A

For the purposes of section 22A of the Act:

- (a) each offence created by a provision specified in Column 1 of Schedule 1 is prescribed as a penalty notice offence, and
- (b) the prescribed penalty for such an offence is the amount specified in Column 3 of Schedule 1.

16 Short description of offences

- (1) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence created by a provision specified in Column 1 of Schedule 1 is:
 - (a) the expression specified in Column 2 of that Schedule, or
 - (b) if a choice of words is indicated in that expression, the words remaining after the omission of the words irrelevant to the offence.
- (2) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of Schedule 1, the prescribed expression for the offence is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.

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- (3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used, and any such document continues to have effect as if that expression had not been amended or repealed.
- (4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

17 Forms

- (1) A form specified in the Table to this clause in relation to a provision of the Act so specified is prescribed for the purposes of that provision.
- (2) Each form is set out in Schedule 2.

Table

Section 5 (1) (d) (Notice of acquisition of dog)	Form 1
Section 5 (1) (d2) (Notice of cessation of ownership of dog)	Form 2
Section 11 (4) (Notice that dog has been seized)	Form 3
Section 14 (1) (b) (Application for registration)	Form 4
Section 14 (2) (a) (Receipt for registration fee)	Form 5
Section 15 (Application for replacement badge)	Form 6

18 Repeal

- (1) The *Dog Regulation 1981* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Dog Regulation 1981*, had effect under that Regulation is taken to have effect under this Regulation.

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Schedule 1 Penalty notice offences

Schedule 1 Penalty notice offences

(Clauses 15 and 16)

Column 1	Column 2	Column 3
Section 5 (1) (a)	own unregistered dog	\$30
Section 5 (1) (b)	own registered dog without proper collar	\$30
Section 5 (1) (c)	own unregistered dog without proper collar	\$30
Section 5 (1) (d)	fail to give notice of ownership of registered dog	\$30
Section 5 (1) (d1)	fail to nominate registered owner of dog	\$30
Section 5 (1) (d2)	fail to give notice of cessation of ownership	\$30
Section 5 (1) (e)	own unregistered dog wearing registration collar	\$50
Section 5 (1) (f) (i)	remove registration collar from dog without authority	\$50
Section 5 (1) (f) (ii)	remove registration badge from dog without authority	\$50
Section 5 (1) (g)	alter/deface badge/inscription/disc attached to dog collar	\$50
Section 7 (1)	own unmuzzled greyhound/prescribed dog	\$50
Section 8 (1)	own dog in/on public place not under effective control	\$50
Section 9 (2)	own dog in/on prohibited place/public bathing area/schoolground/shopping area	\$75
Section 9B (3)	own dog which defecates in/on public place	\$75
Section 9C (3)	own greyhound led/exercised on prohibited road	\$75

Schedule 2 Forms

(Clause 17)

Form 1

NOTICE OF ACQUISITION OF DOG

(Dog Act 1966, section 5 (1)(d))

The Registration Clerk,

.....Council.
(insert name of Council)

Notice is given that on
(insert date of acquisition)

..... of
(insert name of owner) *(insert address of owner)*

became the owner of the dog(s), particulars of which appear below, registered in

.....
(insert name of area in which dog is registered)

Particulars of dog(s)

Registration No. of dog	Person nominated to be registered owner of dog	Address of land or premises on which dog is intended to be kept	Sex of dog	Age of dog	Colour or peculiar marks of dog	Description or kind of dog

The person nominated to be the registered owner of a dog must be of or over the age of 18 years or a body corporate. If not the person giving this notice, the person nominated must complete and sign the following consent:

..... of
(insert name of person nominated) *(insert address of person nominated)*

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Schedule 2 Forms

consents to being nominated to be the registered owner of the dog(s), particulars of which appear above, for the purposes of the *Dog Act 1966*.

.....
*(Signature of person nominated or
authorised agent)*

.....
(Date)

.....
(Signature of person giving notice)

.....
(Date)

Form 2

NOTICE OF DISPOSITION OF DOG

(Dog Act 1966 , section 5 (1) (d2))

The Registration Clerk,

..... Council.
(insert name of Council)

Notice is given that on
(insert date of cessation)

..... of
(insert name of owner) (insert address of owner)

ceased to be the owner of the dog(s), particulars of which appear below.

Particulars of dog(s)

Registration No. of dog	Sex of dog	Age of dog	Description or kind of dog	Name of person by whom dog is intended to be kept	Address of person by whom dog is intended to be kept

.....
(Signature of person giving notice)

.....
(Date)

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Schedule 2 Forms

Form 3

NOTICE OF SEIZURE OF DOG

(Dog Act 1966, section 11 (4))

.....Council.
(insert name of Council)

.....
*(insert name of owner/name inscribed on collar)**

.....
*(insert address of registered owner/address inscribed on collar)**

Pursuant to section 11 (2) of the *Dog Act 1966*, notice is given that a dog:

- (a) of which you appear to be the registered owner*, or
- (b) on the collar of which is inscribed your name,*

was seized on and is being
(insert date of seizure)

kept at
(insert address of place at which dog is held)

The dog will be released to you upon payment of the prescribed fees of \$ together with maintenance charges of \$ in respect of each day (including the date on which the dog was seized) for which the dog is kept.

If the dog is not claimed, and the prescribed fees and maintenance charges are not paid, within 14 days after the date on which this notice is given to you, the dog may be sold or destroyed. In the event that the dog is sold or destroyed by the Council, the Council may take action to recover such fees, charges and expenses as are recoverable under section 11 of the *Dog Act 1966*.

.....
(Signature of Registration Clerk)

.....
(Date)

* Delete whichever is inapplicable.

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Forms

Schedule 2

Form 4
APPLICATION FOR REGISTRATION OF DOG

(Dog Act 1966, section 14 (1) (b))

The Registration Clerk,

.....Council.
(insert name of Council)

Application is made by
(name of applicant)

of
(address of applicant)

for registration of the dog(s), particulars of which appear below, for the year ending 30 September 19 .

Particulars of dog(s)

Registration No. of dog (if any)	Person nominated to be registered owner of dog	Address of land or premises on which dog is intended be kept	Sex of dog	Age of dog	Colour or peculiar or to marks of dog	Description kind of dog

The person nominated to be the registered owner of a dog must be of or over the age of 18 years or a body corporate. If not the applicant for registration, the person nominated must complete and sign the following consent:

..... of
(insert name of person nominated) *(insert address of person nominated)*

consents to being nominated to be the registered owner of the dog(s), particulars of which appear above, for the purposes of the Dog Act 1966.

.....
(Signature of person nominated or authorised agent)

.....
(Date)

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Schedule 2 Forms

Entitlement to reduction of the registration fee(s) for the dog(s) claimed on the following grounds:

.....
.....

SECTION 17 OF THE DOG ACT 1966 PROVIDES THAT A PERSON WHO IN ANY APPLICATION FOR THE REGISTRATION OF A DOG MAKES A FALSE STATEMENT IS GUILTY OF AN OFFENCE AND LIABLE TO A PENALTY NOT EXCEEDING \$500.

.....
(Signature of applicant)

.....
(Date)

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Forms

Schedule 2

Form 5

RECEIPT FOR FEES PAID FOR REGISTRATION OF DOG

(Dog Act 1966 , section 14 (2) (a))

..... Council.
(insert name of Council)

Received this day of 19 ,
 the sum of \$..... being the registration fee(s) payable in relation to the application for
 registration of the dog(s), particulars of which appear below, made
 by of
(insert name of applicant) *(insert address of applicant)*

in respect of the year ending 30 September 19 ,

Particulars of dog(s)

Registration No. of dog	Address of land or premises on which do is intended to be kept	Sex of dog	Age of dog	Colour or peculiar marks of dog	Description or kind of dog

I have issued a registration badge to the applicant.

.....
(Registration Clerk)

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Schedule 2 Forms

Form 6

APPLICATION FOR REPLACEMENT REGISTRATION BADGE

(Dog Act 1966 , section 15)

Application is made by
(insert name of applicant)

of for the issue of a
(insert address of applicant)

replacement registration badge in respect of a dog (Registration No.)

registered in
(insert name of area in which dog is registered)

The original registration badge has been lost/destroyed.*

.....
(Signature of applicant)

.....
(Date)

* Delete whichever is inapplicable.