



New South Wales

Companion Animals Regulation 1999

under the

Companion Animals Act 1998

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Companion Animals Act 1998*.

HARRY WOODS, M.P.,

Minister for Local Government

Explanatory note

The object of this Regulation is to provide for the following matters for the purposes of the *Companion Animals Act 1998*:

- (a) the required method of compulsory identification of companion animals as provided under the Act, together with associated matters such as required identification procedures, the accreditation of persons to carry out those procedures and the information that is to form the identification information for a companion animal,
- (b) the registration of companion animals (including applications for registration, exemptions from the requirement to register, registration fees, fee exemptions and reductions, the information that is to form the registration information for a companion animal and the duties of registration agents),
- (c) the confidentiality of information on the Register of Companion Animals,
- (d) various miscellaneous matters such as the prescription of penalty notice offences and short descriptions for offences,
- (e) savings and transitional provisions.

1999 No 279

Companion Animals Regulation 1999

Explanatory note

The Regulation is made under the *Companion Animals Act 1998*, in particular the various provisions of the Act referred to in the Regulation and section 96 (the general regulation-making power).

Companion Animals Regulation 1999

Contents

Contents

	Page
Part 1 Preliminary	
1 Name of Regulation	5
2 Commencement	5
3 Definitions	5
4 Notes	5
Part 2 Permanent identification of companion animals	
5 Definitions	6
6 How companion animals are to be identified	6
7 Identification only by authorised persons	6
8 Procedure for identification	7
9 Identification information	8
10 Accreditation of persons as authorised identifiers	8
11 Withdrawal of accreditation	9
12 Withdrawal of veterinary surgeon's authorisation	10
13 Exemptions	10
Part 3 Registration of companion animals	
14 Registration agents	11
15 Application for registration	11
16 Registered owner must be 18 or over	11
17 Exemptions from registration requirement	11
18 Registration fee	12
19 Registration fee exemption for assistance animals	13
20 Permanent identification a pre-condition to registration	13
21 Registration information	13
22 Duties of registration agents	15
23 Exemption applicable while registration application pending	16
24 Notification of changes and events	16

1999 No 279

Companion Animals Regulation 1999

Contents

25	Dangerous and restricted dogs—special registration requirements	16
26	Requirement for registration of nuisance and other animals	17
27	Requirement for registration of lost and impounded animals	18
Part 4 The Register		
28	Authorised persons	19
29	Authorised person's duty of confidentiality	19
30	Confidentiality of Register	19
31	Request for confidentiality—safety concerns	20
Part 5 General		
32	Local authority for certain places	21
33	Payments out of Companion Animals Fund	21
34	Signs for dangerous and restricted dogs	21
35	Penalty notice offences	22
36	Short descriptions of offences	22
37	Service of notices	23
38	Repeal	23
Part 6 Savings and transitional		
39	Extension of references in 1998 Act	24
40	Destruction and control orders	24
41	Orders declaring off-leash areas	24
42	Orders prohibiting dogs from entering certain places	25
Schedule		
1	Penalty notice offences and short descriptions	26

Companion Animals Regulation 1999

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Companion Animals Regulation 1999*.

2 Commencement

This Regulation commences on 1 July 1999.

3 Definitions

In this Regulation:

registration agent means:

- (a) a person referred to in clause 14 (1), or
- (b) a person appointed under clause 14 (2).

RSPCA means the Royal Society for the Prevention of Cruelty to Animals, New South Wales.

the Act or **the 1998 Act** means the *Companion Animals Act 1998*.

the 1966 Act means the *Dog Act 1966*.

veterinary surgeon means a registered veterinary surgeon under the *Veterinary Surgeons Act 1986*.

Note. The Act defines **desexed** to mean rendered permanently incapable of reproduction.

4 Notes

The explanatory note, table of contents and notes in the text of this Regulation do not form part of this Regulation.

1999 No 279

Clause 5 Companion Animals Regulation 1999

Part 2 Permanent identification of companion animals

Part 2 Permanent identification of companion animals

5 Definition

In this Part:

authorised identifier means:

- (a) a person who is a veterinary surgeon, or
- (b) a person who is for the time being accredited under this Part as an authorised identifier of companion animals.

6 How companion animals are to be identified

- (1) The identification of a companion animal required by section 8 of the Act is to be by means of the implantation in the animal of a subcutaneous full duplex electronic radio transponder (a *microchip*) of a kind or specification approved by the Director-General by order published in the Gazette.
- (2) The implantation is to be subcutaneous in the dorsum between the scapulae in such a way that the microchip lies at an oblique angle to the plane of the skin. The microchip must function properly.
- (3) Microchips of different kinds or specifications may be approved from time to time. If approval of a particular kind or specification of microchip is withdrawn, a microchip of that kind or specification implanted before the approval was withdrawn remains acceptable for identification after the approval is withdrawn, but is not acceptable for implantation after the approval is withdrawn.
- (4) A companion animal in which a microchip was implanted in accordance with subclause (2) before the commencement of this Regulation is taken to be identified as required by section 8 of the Act.

7 Identification only by authorised persons

- (1) A person must not implant anything in a companion animal for the purpose of the identification of the animal required by section 8 of the Act unless the person:
 - (a) is an authorised identifier, or
 - (b) does so under the supervision of an authorised identifier who is a veterinary surgeon, or

- (c) does so under the supervision of an authorised identifier in the course of the training of the person to be an authorised identifier.

Maximum penalty: 10 penalty units.

- (2) A person must not advertise or otherwise represent himself or herself to be an authorised identifier of companion animals unless the person is an authorised identifier under this Regulation.

Maximum penalty: 5 penalty units.

8 Procedure for identification

- (1) The following procedures are to be followed by authorised identifiers when identifying companion animals for the purposes of section 8 of the Act:
- (a) Before a microchip is implanted in an animal, the animal is to be scanned to ensure that the animal does not already have the identification required by section 8 of the Act (that is, it does not already have a functioning microchip properly implanted).
 - (b) The microchip to be implanted is, immediately before it is implanted, to be scanned to ensure that it is functioning properly and to check that its scanned number is as shown on the supporting documentation applicable to it as the unique identification number allocated to the microchip.
 - (c) Immediately after the implantation, the animal is to be scanned to confirm proper implantation and functioning of the microchip.
 - (d) Immediately after the scanning, a certificate (an *identification certificate*) is to be issued specifying the identification information for the animal (as provided by clause 9). An identification certificate is not required to be issued if the authorised identifier is also a registration agent and an application for registration of the animal is made at the same time as the animal is identified.
 - (e) One copy of any identification certificate issued is to be given to the owner of the animal at the time of identification and one copy is to be sent to the Director-General within 7 days. The authorised identifier is to keep the original of the identification certificate for at least 7 years.

1999 No 279

Clause 8 Companion Animals Regulation 1999

Part 2 Permanent identification of companion animals

- (2) The Director-General may issue to authorised identifiers guidelines with respect to the procedures to be followed by them when identifying companion animals for the purposes of section 8 of the Act. Authorised identifiers must follow any such procedures if they are required to do so by those guidelines.

9 Identification information

The following information is the identification information for companion animals for the purposes of the Act:

- (a) the unique identification number allocated to the microchip implanted in the animal in connection with the identification of the animal for the purposes of section 8 of the Act,
- (b) the name of the authorised identifier who identifies the animal for the purposes of section 8 of the Act and any accreditation number allocated to the identifier in connection with his or her accreditation as an authorised identifier of companion animals,
- (c) the date on which the animal was identified for the purposes of section 8 of the Act,
- (d) the full name and residential address of the owner of the animal together with any other available contact details for the owner,
- (e) the address of the place at which the animal is ordinarily kept,
- (f) the name of the council for the place where the animal is ordinarily kept,
- (g) the type of animal (dog or cat), and the breed of the animal,
- (h) the animal's date of birth (known or approximate),
- (i) the animal's gender,
- (j) whether the animal is desexed or not,
- (k) the animal's colour and details of any unusual or identifying marks on the animal.

10 Accreditation of persons as authorised identifiers

- (1) The Director-General may, by notice in writing given to any person, authorise the person to accredit other persons as authorised identifiers of companion animals.

- (2) However, a person authorised by the Director-General under subclause (1) must not accredit another person as an authorised identifier of companion animals unless the person is satisfied that the other person:
 - (a) is qualified and competent to be an authorised identifier, and
 - (b) will comply with the requirements of this Regulation, and of any guidelines issued from time to time by the Director-General, with respect to the identification of companion animals.
- (3) A person who is dissatisfied with the failure or refusal of a person authorised by the Director-General under subclause (1) to accredit the person as an authorised identifier of companion animals may make a written application for that accreditation to the Director-General.
- (4) The Director-General must, after consultation with the person who failed or refused to accredit the applicant as an authorised identifier of companion animals, grant or refuse the application.
- (5) The applicant is to be given written notice of the grant or refusal of the application within 28 days after the application is made.

11 Withdrawal of accreditation

- (1) The Director-General may withdraw the accreditation of a person as an authorised identifier of companion animals if the Director-General is satisfied that the person:
 - (a) is not qualified or competent to be an authorised identifier, or
 - (b) has been negligent or incompetent in connection with the exercise of the person's functions as an authorised identifier, or
 - (c) has failed to comply with a requirement of this Regulation, or of guidelines issued from time to time by the Director-General, with respect to the identification of companion animals.
- (2) The accreditation of a person is withdrawn when the Director-General gives the person notice in writing that accreditation has been withdrawn.

1999 No 279

Clause 12 Companion Animals Regulation 1999

Part 2 Permanent identification of companion animals

12 Withdrawal of veterinary surgeon's authorisation

- (1) The Director-General may give a direction to a person who is a veterinary surgeon to the effect that the person is not to identify companion animals for the purposes of the Act.
- (2) The Director-General may give such a direction only if satisfied that the person:
 - (a) has been negligent or incompetent in connection with the exercise of the person's functions as an authorised identifier, or
 - (b) has failed to comply with a requirement of this Regulation, or of guidelines issued from time to time by the Director-General, with respect to the identification of companion animals.
- (3) The direction has effect when the Director-General gives the person notice in writing of the direction.
- (4) The person is not an authorised identifier for the purposes of this Part while the direction remains in force.
- (5) A direction remains in force until it is withdrawn. The Director-General may withdraw the direction at any time by notice in writing to the veterinary surgeon concerned.

13 Exemptions

- (1) A companion animal is exempt from section 8 of the Act if it is exempted from section 9 (Registration required from age 6 months) of the Act by a provision of this Regulation.
- (2) A companion animal that is less than 6 months of age is exempt from section 8 of the Act if a veterinary surgeon certified in writing, before the animal was 12 weeks of age, that identification of the animal as required by that section would constitute a serious health risk to the animal.

Part 3 Registration of companion animals

14 Registration agents

- (1) Each council is a registration agent for the purposes of this Regulation.
- (2) The Director-General may appoint any person or body to be a registration agent for the purposes of this Regulation and may revoke such an appointment at any time.
- (3) The Director-General may issue to registration agents guidelines with respect to the procedures to be followed in exercising their functions. Registration agents must follow any such procedures if they are required to do so by those guidelines.

15 Application for registration

- (1) An application for registration of a companion animal must be made to the Director-General or to a registration agent.
Note. Applications to the Director-General can be made at Registry offices established for the purpose.
- (2) The application must be made using the form of application approved by the Director-General from time to time.
- (3) An application for registration must be accompanied by payment of the registration fee payable for registration of the animal.

16 Registered owner must be 18 or over

A person under the age of 18 years cannot be the registered owner of a companion animal.

17 Exemptions from registration requirement

The following companion animals are exempt from section 9 (Registration required from age 6 months):

- (a) a cat born before 1 July 1999, other than a cat whose ownership changes after that date,
- (b) an animal that is ordinarily kept outside New South Wales, but not when the animal has been in New South Wales for a continuous period of at least 3 months,

1999 No 279

Clause 17 Companion Animals Regulation 1999

Part 3 Registration of companion animals

- (c) an animal in the custody of a council pound, the Animal Welfare League, Cat Protection Society or RSPCA,
- (d) an animal kept at a pet shop for the purposes of sale (a *pet shop* being a shop used for the conduct of a business in the course of which an animal is kept for the purposes of sale),
- (e) an animal kept for the purposes of sale in the course of a business conducted at a booth or stall in a market or at a fair,
- (f) a greyhound registered under the *Greyhound Racing Authority Act 1985*,
- (g) a dog that is ordinarily used by a police officer on official duty.

18 Registration fee

- (1) The registration fee payable for the registration of a companion animal is whichever of the following fees is applicable in the particular case:
 - (a) for a desexed animal (except one owned by an eligible pensioner)—\$35,
 - (b) for a desexed animal owned by an eligible pensioner—\$15,
 - (c) for an animal that is not desexed (except one kept by a recognised breeder for breeding purposes)—\$100,
 - (d) for an animal that is not desexed and that is kept by a recognised breeder for breeding purposes—\$35,
 - (e) for an animal (whether desexed or not) kept at the premises of an accredited research establishment under the *Animal Research Act 1985* for the purposes of animal research in accordance with that Act—\$35.
- (2) There is an exemption from payment of a registration fee for the registration of any animal the Director-General is satisfied is in the service of an instrumentality of the State.
- (3) In this clause:
 - eligible pensioner* means:
 - (a) a person who is a member of a class of persons prescribed by the regulations under the *Local Government Act 1993* for the purposes of the definition of *eligible pensioner* in that Act, or

- (b) if no such class of persons is prescribed, a person who is the holder of a card issued by the Commonwealth and known as the Pensioner Concession Card, being a card that is in force.

recognised breeder means a person who is a member of the Royal NSW Canine Council Ltd, NSW Cat Fanciers Association Inc or Waratah State Cat Alliance Inc.

Note. See clause 33 for payments to registration agents from the Companion Animals Fund.

19 Registration fee exemption for assistance animals

- (1) There is an exemption from payment of a registration fee for the registration of an animal that is an assistance animal or is undergoing training to be an assistance animal.
- (2) The exemption ceases to apply if the animal ceases to be an assistance animal or ceases training without becoming an assistance animal.
- (3) If the exemption ceases, the registration fee that would otherwise have been payable for the animal's registration becomes payable and must be paid within 28 days after the exemption ceases. If the registration fee is not paid within that time, the Director-General may cancel the registration of the animal by noting the cancellation on the Register.
- (4) The Director-General is to give notice in writing of the cancellation of registration under this clause to the owner of the animal concerned.

20 Permanent identification a pre-condition to registration

A companion animal cannot be registered unless it is identified as required by section 8 of the Act.

21 Registration information

The following information is (to the extent that it is relevant and applicable to the animal concerned) the registration information for a companion animal:

- (a) the unique identification number allocated to the microchip implanted in the animal in connection with identification of the animal for the purposes of section 8 of the Act,

1999 No 279

Clause 21 Companion Animals Regulation 1999

Part 3 Registration of companion animals

- (b) if known, the name of the authorised identifier who carried out the implantation of the microchip and any accreditation number allocated to the identifier in connection with his or her accreditation as an authorised identifier of companion animals,
- (c) if known, the date on which the animal was identified for the purposes of section 8 of the Act,
- (d) the full name and residential address of the owner of the animal together with any other available contact details for the owner,
- (e) the address of the place at which the animal is ordinarily kept,
- (f) the name of the council for the place where the animal is ordinarily kept,
- (g) the type of animal (dog or cat), and the breed of the animal,
- (h) the animal's date of birth (known or approximate),
- (i) the animal's gender,
- (j) whether the animal is desexed or not,
- (k) the animal's colour and details of any unusual or identifying markings on the animal,
- (l) in the case of a dog, whether the animal is a nuisance (within the meaning of section 21 of the Act) and, if so, the behaviour that constituted the nuisance,
- (m) in the case of a dog, whether the animal has been the subject of any order or declaration under the law of another jurisdiction to the effect that the dog is a nuisance (within the meaning of section 21 of the Act) and, if so, the behaviour that constituted the nuisance,
- (n) in the case of a dog, whether the animal is a dangerous dog and, if so, by whom and on what date the relevant order or declaration was made,
- (o) in the case of a dog, whether the animal has been the subject of any order or declaration under the law of another jurisdiction to the effect that the dog is a dangerous dog,
- (p) the date of registration.

22 Duties of registration agents

- (1) A registration agent must ensure that the following requirements are complied with:
 - (a) an application for registration of a companion animal that is properly made must be forwarded to the Director-General within 7 days after the application is made,
 - (b) in the case of an application for registration to which a fee reduction or exemption applies, the registration agent must forward with the application a statement by the registration agent that the requisite evidence of entitlement to the reduction or exemption was sighted by the agent,
 - (c) the full amount of any fees paid in respect of applications received during a calendar month must be forwarded to the Director-General within 7 days after the end of that month,
 - (d) a notification given to the registration agent for the purposes of section 11 of the Act must be forwarded to the Director-General within 7 days after it is given to the registration agent.
- (2) A registration agent must forward to the Director-General within 7 days after the end of each calendar month a return in a form approved by the Director-General providing the information required by the form in respect of the following:
 - (a) the applications for registration received by the agent during the month,
 - (b) the notifications under section 11 of the Act received by the registration agent during the month,
 - (c) the registration fees paid to the registration agent during the month,
 - (d) the amounts (if any) deducted from those registration fees under an arrangement referred to in section 85 (4) of the Act.
- (3) A registration agent must make such records relating to the matters referred to in subclause (2) as the Director-General directs from time to time and must keep those records for at least 7 years after they are made.

1999 No 279

Clause 23 Companion Animals Regulation 1999

Part 3 Registration of companion animals

23 Exemption applicable while registration application pending

- (1) While an application for registration of a companion animal (including an application required by clause 25 or 26) is pending, the animal is exempt from sections 9 and 10 of the Act.
- (2) An application is *pending* from the time the application is properly made to the Director-General or a registration agent and payment is tendered of any registration fee payable for registration of the animal until the animal is registered pursuant to the application.

24 Notification of changes and events

A notification for the purposes of section 11 of the Act may be given to the Director-General by being given to a registration agent.

25 Dangerous and restricted dogs—special registration requirements

Note. Clause 3 of Schedule 3 to the 1998 Act allows dogs that are registered under the 1966 Act to continue to be registered under that Act for a transition period of 3 years. The regulations can create exceptions to this. Section 10 of the 1998 Act allows the regulations to require the registration under the 1998 Act of companion animals that are not otherwise required to be registered under that Act.

- (1) A dog that on the commencement of this Regulation is a dangerous dog or a restricted dog and is registered under the 1966 Act must be registered under the 1998 Act by 1 October 1999. Accordingly, clause 3 of Schedule 3 to the 1998 Act ceases to apply to such a dog on 1 October 1999.
- (2) A dog that is registered under the 1966 Act and becomes a dangerous dog after the commencement of this Regulation must be registered under the 1998 Act within 7 days after the dog becomes a dangerous dog. Accordingly, clause 3 of Schedule 3 to the 1998 Act ceases to apply to such a dog 7 days after it becomes a dangerous dog.
- (3) A dog that on the commencement of this Regulation is a dangerous dog and not registered under the 1966 Act must (if it is not otherwise required to be registered under the 1998 Act) be registered under the 1998 Act by 8 July 1999.

- (4) A dog that becomes a dangerous dog after the commencement of this Regulation and is not registered under the 1966 Act must (if it is not otherwise required to be registered under the 1998 Act) be registered under the 1998 Act within 7 days after the dog becomes a dangerous dog.

Note. Section 10 of the Act allows the regulations to require a particular class or description of companion animal (not otherwise required to be registered) to be registered, and makes the owner of such an animal guilty of an offence if it is not registered.

26 Requirement for registration of nuisance and other animals

- (1) If an order is issued in respect of an animal under section 21 (Nuisance dogs) or 31 (Nuisance cats) of the 1998 Act and the animal is not otherwise required to be registered under the 1998 Act, the Director-General may by notice in writing given to the owner of the animal direct that the animal must be registered under the 1998 Act before a specified date (being a date not less than 7 days after the notice is given).
- (2) If a person is convicted of an offence under the 1998 Act or pays an amount under section 92 (Penalty notices) of the 1998 Act, the Director-General may by notice in writing given to the person direct that any companion animal currently owned by the person and not otherwise required to be registered under the 1998 Act must be registered under the 1998 Act before a specified date (being a date not less than 7 days after the notice is given).
- (3) An animal to which a notice under this clause applies must be registered under the 1998 Act before the date specified in the notice.

Note. Section 10 of the Act allows the regulations to require a particular class or description of companion animal (not otherwise required to be registered) to be registered, and makes the owner of such an animal guilty of an offence if it is not registered.

- (4) This clause applies whether or not the animal is registered under the 1966 Act. If the animal is registered under the 1966 Act, clause 3 of Schedule 3 to the 1998 Act ceases to apply to the animal on the date specified in the notice.

1999 No 279

Clause 27 Companion Animals Regulation 1999

Part 3 Registration of companion animals

27 Requirement for registration of lost and impounded animals

- (1) A companion animal not otherwise required to be registered under the 1998 Act that is taken into the custody of a council pound, the Animal Welfare League, the Cat Protection Society or the RSPCA must be registered under the 1998 Act when it is returned to its owner from that custody.
- (2) This clause applies whether or not the animal is registered under the 1966 Act. If the animal is registered under the 1966 Act, clause 3 of Schedule 3 to the 1998 Act ceases to apply to the animal.

Part 4 The Register

28 Authorised persons

- (1) In this Part, *authorised person* has the same meaning as in section 75 of the Act (and includes the persons referred to in subclause (2)).
- (2) Persons authorised in writing by the Director-General to have access to information contained on the Register are prescribed as authorised persons for the purposes of section 75 of the Act.

29 Authorised person's duty of confidentiality

An authorised person who is given access to information on the Register (not being a person exercising functions under the Act) must not disclose that information to any person except:

- (a) for the purposes of or in connection with the exercise of functions as an authorised person or the exercise of functions under the Act, or
- (b) as authorised by guidelines issued to the person by the Director-General for the purposes of this clause.

Maximum penalty: 10 penalty units.

30 Confidentiality of Register

- (1) A person who exercises functions in connection with the keeping or administration of the Register (otherwise than in the exercise of functions under the Act) must not give a person access to information on the Register or otherwise disclose information on the Register except:
 - (a) as authorised or required by or under section 75 (Access to the Register) of the Act, or
 - (b) as authorised or directed by the Director-General, or
 - (c) with the consent of the person to whom the information relates.

Maximum penalty: 10 penalty units.

1999 No 279

Clause 30 Companion Animals Regulation 1999

Part 4 The Register

- (2) This clause does not prevent the disclosure of information in a form that does not identify a particular person or persons.

Note. Persons who exercise functions under the Act are excepted from this clause because their duty of confidentiality is provided for by section 89 of the Act. An example of the persons to whom this clause will apply is persons who have access to information on the Register as a result of the outsourcing of services in connection with the keeping of the Register.

31 Request for confidentiality—safety concerns

- (1) A registered owner of a companion animal may request the Director-General to keep the person's address and other contact details confidential.
- (2) If the Director-General is satisfied that the request is made because the person is concerned that disclosure of that information could jeopardise the safety of the person or of any member of the person's family, the right of access provided for by section 75 of the Act does not apply to that information except in relation to a person specially authorised by the Director-General to obtain that access.

Part 5 General

32 Local authority for certain places

Pursuant to section 6 (2) of the Act, the functions of the local authority for a place specified below are to be exercised by the person specified below in relation to that place, for the purposes of the provisions of the Act specified below in relation to that place:

Trust lands under the *Centennial Park and Moore Park Trust Act 1983*—the Centennial Park and Moore Park Trust, for the purposes of:

- (a) sections 12, 13, 14, 15, 20, 29 and 30 of the Act, and
- (b) sections 90, 91 and 92 of the Act in their application in respect of the provisions referred to in paragraph (a), and
- (c) the definition of *authorised officer* in section 5 of the Act, in its application in respect of the provisions referred to in paragraphs (a) and (b).

33 Payments out of Companion Animals Fund

- (1) There is to be paid from the Companion Animals Fund to a registration agent out of money collected by the registration agent as registration fees such amount as the Director-General may determine from time to time.
- (2) Different amounts may be determined under subclause (1) for different registration agents or classes of registration agent.

Note. The amounts payable to registration agents are paid out of the Companion Animals Fund established under the Act (into which registration fees are paid). Arrangements can be made by the Director-General under section 85 (4) of the Act for the deduction of amounts by agents at the point of payment of fees.

34 Signs for dangerous and restricted dogs

- (1) For the purposes of sections 51 (1) (d) and 56 (1) (c) of the Act, a sign to be displayed on the property on which a dangerous dog or restricted dog is ordinarily kept must comply with the following requirements:
 - (a) the sign must be no smaller than 40 cm x 40 cm,
 - (b) the sign must be made of durable material,

1999 No 279

Clause 34 Companion Animals Regulation 1999

Part 5 General

- (c) the sign must show the words “Warning Dangerous Dog” in letters:
 - (i) that are of sufficient size as to be clearly visible from the boundaries of the property, and
 - (ii) that are, in any case, at least 50 mm high and 10 mm wide.
- (2) This clause does not apply to a sign first displayed before 1 July 1999.

35 Penalty notice offences

For the purposes of section 92 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.

36 Short descriptions 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.
- (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.

37 Service of notices

A notice that is required to be given in writing under this Regulation may be served personally or by post.

38 Repeal

The *Companion Animals Regulation 1998* is repealed.

1999 No 279

Clause 39 Companion Animals Regulation 1999

Part 6 Savings and transitional

Part 6 Savings and transitional

39 Extension of references in 1998 Act

A reference in the 1998 Act to:

- (a) the Register is taken to include a reference to the registration records required to be kept under section 16 of the 1966 Act (in relation to the registration of a dog under that Act), and
- (b) being registered is taken to include a reference to being registered under the 1966 Act, and
- (c) a registered owner is taken to include a reference to a person who is a registered owner under the 1966 Act, and
- (d) a registration fee is taken to include a reference to a registration fee that is payable under the 1966 Act (in relation to the registration of a dog under that Act), and
- (e) a registration tag is taken to include a reference to a current registration badge issued under the 1966 Act.

40 Destruction and control orders

- (1) A control order in force under section 9P of the 1966 Act immediately before the repeal of that section is taken, on and from that repeal, to have been made under section 47 of the 1998 Act.
- (2) A destruction order in force under section 9P of the 1966 Act immediately before the repeal of that section is taken, on and from that repeal, to have been made under section 48 of the 1998 Act.
- (3) A reference in sections 47 and 48 of the 1998 Act to an offence under section 16, 49 or 51 of the 1998 Act is taken to include a reference to an offence under section 6, 9R or 9T, respectively, of the 1966 Act.

41 Orders declaring off-leash areas

An order under section 8 of the 1966 Act that was in force immediately before 1 September 1998 is taken to be an order made under section 13 (6) of the 1998 Act.

42 Orders prohibiting dogs from entering certain places

An order under section 9 of the 1966 Act that is in force immediately before 1 September 1998 is, to the extent that such an order is contemplated by section 14 of the 1998 Act, taken to be an order made under section 14 (7) of the 1998 Act.

1999 No 279

Companion Animals Regulation 1999

Schedule 1 Penalty notice offences and short descriptions

Schedule 1 Penalty notice offences and short descriptions

(Clauses 35 and 36)

Column 1	Column 2	Column 3
Offence under the Act	Prescribed expression	Penalty
Section 8 (3)	animal not permanently identified	\$110
Section 8 (3)	dangerous/restricted dog not permanently identified	\$440
Section 8 (4)	sell animal not permanently identified	\$110
Section 8 (4)	sell dangerous/restricted dog not permanently identified	\$440
Section 9 (1)	animal not registered	\$110
Section 9 (1)	dangerous/restricted dog not registered	\$440
Section 10	animal not registered (section 10)	\$110
Section 10	dangerous/restricted dog not registered (section 10)	\$440
Section 11 (1) (a)	not notify change in registration/identification information	\$110
Section 11 (1) (a)	not notify change registration/identification information dangerous/restricted dog	\$440
Section 11 (4)	give false/misleading information to Director-General	\$110
Section 12	dog without collar/name tag/registration tag	\$110
Section 12	dangerous/restricted dog without collar/name tag/registration tag	\$440
Section 13	dog not on lead	\$110
Section 13	dangerous/restricted dog not on lead	\$440
Section 14	dog in prohibited place	\$110
Section 14	dangerous/restricted dog in prohibited place	\$440
Section 15	greyhound/prescribed dog not muzzled	\$110
Section 20	fail to remove dog faeces	\$220

Page 26

Companion Animals Regulation 1999

Penalty notice offences and short descriptions

Schedule 1

Column 1	Column 2	Column 3
Offence under the Act	Prescribed expression	Penalty
Section 21 (5)	fail to comply with nuisance dog order	\$220
Section 29	cat not wear identification	\$55
Section 30 (2)	cat in prohibited place	\$55
Section 31 (5)	fail to comply with nuisance cat order	\$110
Section 36 (1)	dog to be declared dangerous not on lead/muzzled	\$440
Section 51 (2)	fail to comply with dangerous dog control requirements	\$440
Section 56 (2)	fail to comply with restricted dog control requirements	\$440
Section 60 (1)	deny assistance animal entry to public building/place/transport	\$110
Section 61 (1)	charge for entry of assistance animal to public building/place/transport	\$110
Section 62 (2)	fail to take seized animal to owner or council pound	\$440
Section 71 (4)	give false/misleading information in registration application	\$110
Section 76 (1)	interfere with permanent identification of animal	\$110
Section 77	interfere with animal's registration tag	\$110
Section 91	obstruct authorised officer	\$110

BY AUTHORITY