



New South Wales

Companion Animals Amendment Regulation 2001

under the

Companion Animals Act 1998

Her 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 objects of this Regulation are as follows:

- (a) to specify 4 categories of identified companion animals to facilitate the application of the identification (ie microchipping) procedures and requirements under the *Companion Animals Regulation 1999* on a differential basis (eg depending on whether the microchipping is compulsory under section 8 of the *Companion Animals Act 1988* or whether it has been done on a voluntary basis),
- (b) to prescribe a database that operates primarily for the purposes of recovering lost animals as a database for the purposes of section 89 (4) (d) of the Act (that section prohibits the accessing, recording, disclosure or use of confidential information except in circumstances such as when a person lists an animal's identification or registration information on a database of that prescribed class),
- (c) to extend the annual registration system under the old Dog Act (which applies to dogs registered before 1 July 1999 and which have not yet come under the new Act) for a further 3 months, with the result that the "transition period" for the registration of these dogs will end on 1 September 2002,

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- (d) to provide that undesexed dogs that are at least 10 years old and are registered under the old Dog Act (or an interstate law) may, before the end of the transition period, be registered under the new Act for the same fee as for a desexed animal (ie \$35, or \$15 if owned by a pensioner),
- (e) to provide that new offences under the Act relating to unregistered companion animals may be dealt with by way of penalty notice,
- (f) to make other amendments to the *Companion Animals Regulation 1999* that are of a minor nature or consequential on the enactment of the *Companion Animals Amendment Act 2001*.

This Regulation is made under the *Companion Animals Act 1998*, including sections 70, 84 (4) (d) and 96 (the general power to make regulations).

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1 Name of Regulation

This Regulation is the *Companion Animals Amendment Regulation 2001*.

2 Commencement

- (1) This Regulation commences on 1 October 2001, except as provided by subclause (2).
- (2) Schedule 1 [12], [13] and [15] commence on 1 September 2001.

3 Amendment of Companion Animals Regulation 1999

The *Companion Animals Regulation 1999* is amended as set out in Schedule 1.

4 Notes

The explanatory note does not form part of this Regulation.

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Schedule 1 Amendments

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(Clause 3)

[1] Clause 5 Definitions

Insert after the definition of *authorised identifier*:

microchip means a subcutaneous full duplex electronic radio transponder.

[2] Clause 5A

Insert after clause 5:

5A Categories of identified companion animals

- (1) For the purposes of this Regulation, the following categories of identified companion animals are specified:
 - (a) *category 1 companion animals*, being companion animals that are required to be identified for the purposes of section 8 of the Act,
 - (b) *category 2 companion animals*, being companion animals that are identified, on a voluntary basis on or after 1 October 2001, by the implantation of a microchip in accordance with clauses 6, 7 and 8,
 - (c) *category 3 companion animals*, being companion animals that have been identified, on a voluntary basis before 1 October 2001, by the implantation of a recognised microchip,
 - (d) *category 4 companion animals*, being companion animals that have been identified, in a place other than New South Wales, by the implantation of a recognised microchip.
- (2) A category 3 or category 4 companion animal is taken to be identified for the purposes of section 8 of the Act.

- (3) A reference in subclause (1) to a companion animal that is identified on a *voluntary basis* is a reference to a companion animal that is identified otherwise than for the purposes of section 8 of the Act.

Note. An example of such an animal is a working dog that is not required to be identified for the purposes of section 8 of the Act but has nevertheless been microchipped.

- (4) In subclause (1), *recognised microchip* means a microchip that, in the opinion of the Director-General:
- (a) has been implanted in the companion animal concerned in accordance with the procedure set out in clause 6 (2), and
 - (b) has allocated to it a unique identification number, and
 - (c) functions properly.

[3] Clause 6 Manner in which category 1 and 2 companion animals are to be identified

Omit clause 6 (1). Insert instead:

- (1) The identification of a category 1 or category 2 companion animal is to be by means of the implantation in the animal of a microchip of a kind or specification approved by the Director-General by order published in the Gazette.

[4] Clause 6 (4)

Omit the subclause.

[5] Clause 7 Identification of category 1 or 2 companion animals only by authorised persons

Insert “category 1 or category 2” before “companion animal” in clause 7 (1).

[6] Clause 7 (1)

Insert at the end of the subclause:

Maximum penalty: 10 penalty units.

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[7] Clause 7 (2)

Omit “companion animals for the purposes of section 8 of the Act”.
Insert instead “category 1 or category 2 companion animals”.

[8] Clause 8 Procedure for identification of category 1 and 2 companion animals

Omit “companion animals for the purposes of section 8 of the Act”
wherever occurring from clause 8 (1) and (2) (a).
Insert instead “category 1 or category 2 companion animals”.

[9] Clause 8 (1) (a)

Omit the paragraph. Insert instead:

- (a) Before a microchip is implanted in a category 1 or category 2 companion animal, the animal is to be scanned to ensure that it does not already have a functioning microchip properly implanted.

[10] Clause 9 Identification information in relation to all categories of companion animals

Omit “for the purposes of section 8 of the Act” wherever occurring from clause 9 (a) (b) and (c).

[11] Clause 9 (b)

Insert “in the case of a category 1 or category 2 companion animal,” before “the name”.

[12] Clause 18 Registration fee

Insert “or a special category dog” after “animal” wherever occurring in clause 18 (1) (a) and (b).

[13] Clause 18 (1) (c)

Omit “one”. Insert instead “a special category dog or an animal”.

[14] Clause 18 (1) (e)

Omit the paragraph.

[15] Clause 18 (3)

Insert after the definition of *eligible pensioner*:

special category dog means a dog (whether or not desexed):

- (a) that is a dog to which clause 3 of Schedule 3 to the Act applies (or is registered under the law of another State or Territory), and
- (b) that is, in the opinion of the Director-General or a registration agent, at least 10 years old.

[16] Clause 20 Permanent identification a pre-condition to registration

Omit “identified as required by section 8 of the Act”.

Insert instead “an identified companion animal”.

[17] Clause 21 Registration information

Omit “for the purposes of section 8 of the Act” wherever occurring from clause 21 (a) and (c).

[18] Clause 21 (b)

Omit “if known, the name”.

Insert instead “in the case of a category 1 or category 2 companion animal, the name (if known)”.

[19] Clause 21 (j)

Insert after clause 21 (i):

- (j) whether or not the animal is desexed,

[20] Clause 23 Exemption while registration application pending

Omit “and 10” from clause 23 (1).

Insert instead “, 10, 10A, 10B, 51 (1) (k) and 56 (1) (h)”.

[21] Clause 24 Notification of changes and events

Omit the clause.

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[22] Clause 25 Dangerous and restricted dogs—special registration requirements

Omit clause 25 (2)–(4) and the notes to the clause.

[23] Clauses 29, 30, 30A and 31

Omit the clauses.

[24] Clause 32A

Insert after clause 32:

32A Notification of changes and events by owners of identified companion animals

- (1) 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.
- (2) Section 11 (1) of the Act, in so far as it requires notification of change of ownership of an identified companion animal, does not apply to a person to whom ownership of such an animal is transferred in relation to that transfer.
- (3) Section 11 (1) of the Act does not apply to the owner of a category 3 or category 4 companion animal if the identification information for the animal has not been entered on the Register.

[25] Clause 34A

Insert after clause 34:

34A Listing of identification or registration information on databases

For the purposes of section 89 (4) (d) of the Act, a database is of a prescribed class if it operates primarily for the purposes of the recovery of lost animals.

[26] Clause 37 Notices

Insert at the end of clause 37:

- (2) If a council is required under the Act to notify the Director-General of any matter, the notice is to be given in accordance with such arrangements as may be determined by the Director-General.

[27] Clause 43

Insert after clause 42:

43 Transition period for dogs registered under Dog Act extended to 30.9.2002

In accordance with clause 3 (3) of Schedule 3 to the Act, the transition period (as referred to in that clause) for dogs to which that clause applies is the period of 3 years and 3 months.

Note. The transition period started on 1 July 1999. Accordingly, the annual registration system under the Dog Act will continue until 30 September 2002.

[28] Schedule 1 Penalty notice offences and short descriptions

Insert in Schedule 1 after the matter relating to section 10:

Section 10A	animal in public place not registered	\$55
Section 10A	dangerous/restricted dog in public place not registered	\$110
Section 10B	fail to comply with notice to register animal	\$55
Section 10B	fail to comply with notice to register dangerous/restricted dog	\$110

[29] Schedule 1

Omit “not on lead” wherever occurring from the matter relating to section 13.

Insert instead “not under effective control”.

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Schedule 1 Amendments

[30] Schedule 1

Omit the matter relating to section 89 (1) and clauses 29 and 30.

BY AUTHORITY
