



New South Wales

Companion Animals Amendment Regulation 2006

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*.

KERRY HICKEY, M.P.,
Minister for Local Government

Explanatory note

The objects of this Regulation are to amend the *Companion Animals Regulation 1999* as follows:

- (a) to increase penalties for offences under that Regulation,
- (b) to increase registration fees for companion animals,
- (c) to prescribe requirements for enclosures for dangerous and restricted dogs,
- (d) to prescribe requirements for warning signs,
- (e) to prescribe requirements for collars for dangerous and restricted dogs,
- (f) to prescribe increased penalties for offences dealt with by penalty notice,
- (g) to make other amendments consequent on the commencement of the *Companion Animals Amendment Act 2005*.

This Regulation is made under the *Companion Animals Act 1998*, including sections 6, 9, 51, 56, 71, 92 and 96 (the general regulation-making power).

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Clause 1 Companion Animals Amendment Regulation 2006

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1 Name of Regulation

This Regulation is the *Companion Animals Amendment Regulation 2006*.

2 Commencement

This Regulation commences on 13 January 2006.

3 Amendment of Companion Animals Regulation 1999

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

Schedule 1 Amendments

(Clause 3)

- [1] **Clause 7 Identification of category 1 or 2 companion animals only by authorised persons**
Omit “10 penalty units” from clause 7 (1). Insert instead “15 penalty units”.
- [2] **Clause 7 (2)**
Omit “5 penalty units”. Insert instead “8 penalty units”.
- [3] **Clause 17 Exemptions from registration requirement**
Insert “, for the purposes of this clause only,” after “Director-General” in clause 17 (c).
- [4] **Clause 18 Registration fee**
Omit clause 18 (1). Insert instead:
- (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)—\$40,
 - (b) for a desexed animal owned by an eligible pensioner—\$15,
 - (c) for an animal that is not desexed (except an animal kept by a recognised breeder for breeding purposes)—\$150,
 - (d) for an animal that is not desexed and that is kept by a recognised breeder for breeding purposes—\$40.
- [5] **Clause 18 (3), definition of “special category dog”**
Omit the definition.
- [6] **Clause 25 Dangerous and restricted dogs—special registration requirements**
Omit the clause.

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[7] Clause 27 Requirement for registration of lost and impounded animals

Omit clause 27 (1). Insert instead:

- (1) A companion animal not otherwise required to be registered under the 1998 Act that is taken into the custody of a council pound or an approved animal welfare organisation must be registered under the 1998 Act before it is returned to its owner from that custody.

[8] Part 4

Omit the Part. Insert instead:

Part 4 Dangerous and restricted dogs

28 Enclosure requirements for dangerous and restricted dogs

- (1) For the purposes of sections 51 (1) (c) and 56 (1) (a1) of the Act, the requirements set out in subclauses (2)–(4) are prescribed as the requirements that must be complied with in relation to an enclosure for a dangerous or restricted dog.
- (2) The enclosure must:
 - (a) be fully enclosed, constructed and maintained in such a way so that the dog is not able to dig or otherwise escape under, over or through the enclosure, and
 - (b) be constructed in such a way so that a person cannot have access to it without the assistance of an occupier of the property who is above the age of 16 years, and
 - (c) be designed to prevent children from having access to the enclosure, and
 - (d) not be located on the property in such a way so that people are required to pass through the enclosure to gain access to other parts of the property, and
 - (e) have a minimum height of 1.8 m and a minimum width of 1.8 m, and
 - (f) have an area of not less than 10 square metres for each dangerous or restricted dog kept on the property, and
 - (g) have walls that are fixed to the floor and constructed to be no more than 50 mm from the floor, and
 - (h) have walls, a fixed covering and a gate that are constructed of:
 - (i) brick, timber, iron or similar solid materials, or
 - (ii) mesh that complies with subclause (4), or

- (iii) a combination of the materials referred to in subparagraphs (i) and (ii), and
 - (i) have a floor that is constructed of sealed concrete and graded to fall to a drain for the removal of effluent, and
 - (j) provide a weatherproof sleeping area.
- (3) Any gate to the enclosure must:
- (a) contain a self-closing and self-latching mechanism that enables the enclosure to be securely locked when the dog is in the enclosure, and
 - (b) be kept locked when the dog is in the enclosure, and
 - (c) display the warning sign referred to in clause 29.
- (4) Mesh used in the construction of an enclosure must be:
- (a) chain mesh manufactured from at least 3.15 mm wire to form a maximum mesh spacing of 50 mm, or
 - (b) weldmesh manufactured from at least 4 mm wire with a maximum mesh spacing of 50 mm.

29 Warning signs for dangerous and restricted dogs

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 materials,
- (c) the sign must show the words “Warning Dangerous Dog” in letters:
 - (i) that are of sufficient size so 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.

30 Distinctive collars for dangerous and restricted dogs

For the purposes of sections 51 (1) (d1) and 56 (1) (c1) of the Act, a collar is of the prescribed kind if:

- (a) it consists of red stripes alternatively spaced with yellow stripes each being a width of 25 mm and set diagonal to the rim of the collar at an angle of 45 degrees, and
- (b) at least one of the 2 colours reflects light in the dark, and

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- (c) it is made of durable materials, and
- (d) it is able to be securely fastened, and
- (e) it has a device or other facility that enables it to be attached to a leash, and
- (f) it has a minimum width of:
 - (i) 25 mm for a dog weighing less than 20 kg, or
 - (ii) 40 mm for a dog weighing between 20 kg and 40 kg, or
 - (iii) 50 mm for a dog weighing more than 40 kg.

[9] Clause 32 Local authority for certain places

Omit paragraph (b) of the matter relating to the Centennial Park and Moore Park Trust.

Insert instead:

- (b) sections 69G, 69H and 92 of the Act in their application in respect of the provisions referred to in paragraph (a), and

[10] Clause 34 Signs for dangerous and restricted dogs

Omit the clause.

[11] Clause 35 Penalty notice offences

Insert at the end of the clause:

- (2) If the reference to a provision in Column 1 of Schedule 1 is qualified by words that restrict its operation to specified kinds of offences or to offences committed in specified circumstances, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or is committed in the circumstances so specified.

[12] Schedule 1

Omit the Schedule. Insert instead:

Schedule 1 Penalty notice offences

(Clause 35)

Column 1	Column 2
Provision	Penalty
Offence under the Act	
Section 8 (3)	\$1,320 (in the case of a dangerous or restricted dog) or \$165 (in any other case)
Section 8 (4)	\$1,320 (in the case of a dangerous or restricted dog) or \$165 (in any other case)
Section 9 (1)	\$1,320 (in the case of a dangerous or restricted dog) or \$165 (in any other case)
Section 10	\$1,320 (in the case of a dangerous or restricted dog) or \$165 (in any other case)
Section 10A	\$550 (in the case of a dangerous or restricted dog) or \$165 (in any other case)
Section 10B (2)	\$550 (in the case of a dangerous or restricted dog) or \$165 (in any other case)
Section 11 (1) (but only in relation to the matters referred to in section 11 (1) (a), (b) or (d1))	\$1,320 (in the case of a dangerous or restricted dog) or \$165 (in any other case)
Section 11 (4)	\$165
Section 12 (2)	\$1,320 (in the case of a dangerous or restricted dog) or \$165 (in any other case)
Section 13 (2)	\$1,320 (in the case of a dangerous or restricted dog) or \$165 (in any other case)
Section 14 (2)	\$1,320 (in the case of a dangerous or restricted dog) or \$165 (in any other case)
Section 15 (2)	\$165
Section 16 (1) (but only in the case of a dog that is not a dangerous or restricted dog)	\$550
Section 20 (1)	\$275

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Column 1	Column 2
Provision	Penalty
Section 21 (5)	\$275
Section 29 (3)	\$110
Section 30 (2)	\$110
Section 31 (5)	\$165
Section 36 (1)	\$1,320
Section 51 (2)	\$1,320
Section 56 (2)	\$1,320
Section 57A (1)	\$1,320
Section 57B (1)	\$1,320
Section 57C	\$1,320
Section 60 (1)	\$165
Section 61 (1)	\$165
Section 62 (1)	\$550
Section 69G (2)	\$275
Section 69H	\$165
Section 71 (4)	\$165
Section 76 (1)	\$165
Offence under this Regulation	
Clause 7 (1)	\$275
Clause 7 (2)	\$165

BY AUTHORITY