



New South Wales

Companion Animals Amendment (Registration) Regulation 2016

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*.

PAUL TOOLE, MP
Minister for Local Government

Explanatory note

The objects of this Regulation are as follows:

- (a) to require companion animals to be registered under the *Companion Animals Act 1998* from the time they are 12 weeks old or when they are first sold (even if they are less than 12 weeks old) so as to make the required time for registration the same as when companion animals are required to be identified (ie microchipped),
- (b) to facilitate online applications for registering companion animals and to provide for online access to the Register of Companion Animals,
- (c) to require fees in connection with the registration of a companion animal to be paid by the owner of the animal by the time the animal reaches the age of 6 months and to provide that those fees will include an additional registration fee of \$142 if the animal has not been desexed by a certain age,
- (d) to provide for the automatic cancellation of registration of a companion animal if the registration fees applicable to the animal are not paid,
- (e) to remove the exemption from the requirement for registration in the case of companion animals kept for sale at a pet shop or at a market or fair,
- (f) to authorise owners of companion animals to access and change information in the Register relating to their animals,
- (g) to authorise officers or employees of the RSPCA or the Animal Welfare League to access information in the Register for the purposes of exercising functions under the *Protection of Cruelty to Animals Act 1979*,
- (h) to make other amendments relating to the registration of companion animals and amendments of a minor or consequential nature.

This Regulation is made under the *Companion Animals Act 1998*, including sections 9 (2), 10, 11 (2), 71 (2), 74 (2), 75 (7) (c) and 96 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Companion Animals Amendment (Registration) Regulation 2016*.

2 Commencement

This Regulation commences on 4 July 2016 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Companion Animals Regulation 2008

[1] Whole Regulation (except where otherwise amended by this Schedule)

Omit “Director-General” wherever occurring.

Insert instead “Departmental Chief Executive”.

[2] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

Departmental Chief Executive means the Chief Executive of the Office of Local Government.

[3] Clause 3 (1), definition of “pet shop”

Omit the definition.

[4] Clause 8 Identification information for companion animals

Omit clause 8 (d). Insert instead:

(d) the full name and phone number of the owner of the animal,

[5] Clauses 12 (1) and 16

Omit “(Registration required from age 6 months)” wherever occurring.

[6] Clause 12 Exemptions from identification requirement

Omit “that is less than 6 months of age” from clause 12 (2).

[7] Clause 13A

Insert after clause 13:

13A Requirement for registration

In accordance with sections 9 (2) and 10 of the Act, a companion animal is required to be registered:

- (a) from the time the animal is 12 weeks old, or
- (b) when the animal is first sold (even if it is less than 12 weeks old).

Note. The term “sold” extends to the transfer of ownership by any means, including by gift (see the definition of *sell* in section 5 of the Act).

[8] Clause 14

Omit the clause. Insert instead:

14 Application for registration

An application for registration of a companion animal may be made to the Departmental Chief Executive or a registration agent:

- (a) using the form of application approved by the Departmental Chief Executive, or
- (b) in such other manner as may be approved by the Departmental Chief Executive.

Note. This may include the facility for making online applications.

[9] Clause 16 Exemptions from registration requirement

Omit clause 16 (e) and (f).

[10] Clauses 17 and 17A

Omit clause 17. Insert instead:

17 Registration fees

- (1) The following fees are required to be paid in connection with the registration of a companion animal by the time the animal reaches the age of 6 months:
 - (a) a registration fee of \$53 (except in the case of a companion animal referred to in paragraph (b) or (c)),
 - (b) a registration fee of \$22 in the case of a desexed companion animal owned by an eligible pensioner,
 - (c) a registration fee that is 50% of the fee referred to in paragraph (a) (as adjusted under this clause) in the case of a desexed companion animal sold by an eligible pound or shelter operator,
 - (d) in addition to the registration fee under paragraph (a)—a registration fee of \$142 in the case of a companion animal (other than a companion animal kept by a recognised breeder for breeding purposes) that has not been desexed as at the relevant desexing age.

Note. The amounts under paragraphs (a), (b) and (d) are adjusted annually under subclause (6) and Schedule 2. For the adjusted fee amounts for the financial year in which the fee concerned is required to be paid, see the *Companion Animals (Adjustable Fee Amounts) Notice*.

- (2) The **relevant desexing age** for a companion animal is:
 - (a) 6 months in the case of a dog, or
 - (b) 6 months in the case of a cat born before 4 July 2016, or
 - (c) 4 months in the case of a cat born on or after 4 July 2016.
- (3) If a veterinary practitioner has, before a companion animal reaches the relevant desexing age, specified in writing:
 - (a) that the animal should not be desexed until it reaches the age specified by the veterinary practitioner, or
 - (b) that desexing the animal at any time of its life would constitute a serious health risk to the animal,

the owner of the animal is exempt from payment of the additional registration fee under subclause (1) (d). In the case of an animal referred to in paragraph (a) of this subclause, the exemption applies only until such time as the animal reaches the specified age.

- (4) There is an exemption from payment of a registration fee under this clause for the registration of the following:
 - (a) any animal that is in the service of a public authority,
 - (b) a working dog.

Note. A working dog is defined in the Act as a dog used primarily for the purpose of droving, tending, working or protecting stock (or a dog being trained as a working dog). If the dog is declared to be a dangerous dog, it ceases to be a working dog while the declaration is in force.

- (5) The Departmental Chief Executive may require the owner of a companion animal to provide proof, in such manner as the Departmental Chief Executive

determines, of any of the matters referred to in subclause (1), (3) or (4) that the owner claims to be applicable to or in respect of the animal.

(6) The amounts referred to in subclause (1) (a), (b) and (d) are adjustable fee amounts that are to be adjusted for inflation as provided by Schedule 2.

(7) 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.

eligible pound or shelter operator means any of the following:

(a) a council (including a council pound),

(b) the Animal Welfare League NSW,

(c) the RSPCA,

(d) the Cat Protection Society of NSW Inc.

17A Cancellation of registration for non-payment of registration fees

(1) The registration of a companion animal is cancelled by operation of this clause if the registration fees under clause 17 that are applicable to the animal have not been paid in accordance with that clause.

(2) If the owner of a companion animal whose registration is cancelled under this clause pays the applicable registration fees within 14 days of being notified of the cancellation, the council of the area in which the animal is ordinarily kept or the Departmental Chief Executive may reinstate the registration of the animal by noting the reinstatement on the Register.

[11] Clause 20 Registration information

Insert after clause 20 (a):

(a1) without limiting paragraph (a), the contact details for the owner of the animal, together with any other relevant information relating to the owner of the animal, that the Departmental Chief Executive requires the owner to provide in connection with an application for registration of the animal,

[12] Part 3A

Insert after Part 3:

Part 3A The Register

23A Online access to Register

The Register is to be kept in a form that enables access to the Register to be made online by those persons who are entitled to access information contained in the Register.

23B Register to include details of previous owners

The information contained in the Register in relation to a companion animal is to include the full name of any previous owner of the animal together with any other available contact details for any previous owner of the animal.

23C Persons who may access Register

- (1) The following classes of persons are prescribed as authorised persons for the purposes of section 75 (7) (c) of the Act:
 - (a) owners of companion animals (excluding any such owner who is otherwise an authorised person for the purposes of section 75 of the Act),
 - (b) officers or employees of the RSPCA designated by the Chief Executive of the RSPCA,
 - (c) officers or employees of the Animal Welfare League designated by the Chief Executive of the Animal Welfare League NSW.
- (2) A person who is of a class of persons referred to in subclause (1) (a) is authorised to access information contained in the Register only for the purposes of notifying, in accordance with section 11 of the Act, changes in the registration information of a companion animal owned by the person.
- (3) A person who is of a class of persons referred to in subclause (1) (b) or (c) is authorised to access information contained in the Register only for the purposes of exercising functions under the *Prevention of Cruelty to Animals Act 1979*.

[13] Clause 30 Notification of changes and events by owners of identified companion animals

Insert after clause 30 (1):

- (1A) A notification for the purposes of section 11 of the Act may, if the owner of the companion animal is authorised to access information contained in the Register, be given by recording the change or event concerned online in the Register.

[14] Clause 33 Listing of identification or registration information on databases

Omit “recovery of lost animals”.

Insert instead “management and care of companion animals”.

[15] Clause 35 Notices

Insert “or be issued electronically” after “by post” in clause 35 (1).

[16] Schedule 2 Adjustment for inflation of certain fees

Omit “17 (4)” from the source reference. Insert instead “17 (6)”.

[17] Schedule 2, clause 2 (5) (b)

Omit “Division”. Insert instead “Office”.

[18] Schedule 2, clause 2 (6)

Insert after clause 2 (5):

- (6) This clause does not apply in relation to the financial year commencing on 1 July 2016.