

# Companion Animals Regulation 1999

[1999-279]



New South Wales

## Status Information

### Currency of version

Historical version for 1 July 2000 to 31 August 2001 (accessed 22 December 2024 at 4:00)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Authorisation

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File last modified 24 July 2000

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New South Wales

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# Companion Animals Regulation 1999



New South Wales

## 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:

**pet shop** means a shop used for the conduct of a business in the course of which an animal is kept for sale.

**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.

**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.

## 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 a microchip in a companion animal unless the person:
  - (a) is an authorised identifier, or
  - (b) does so under the supervision of an authorised identifier who is a veterinary surgeon.
- (2) A person must not advertise or otherwise represent himself or herself to be capable of

identifying companion animals for the purposes of section 8 of the Act 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), (e) (Repealed)
- (2) The Director-General may:
  - (a) issue guidelines to authorised identifiers with respect to the procedures to be followed by them when identifying companion animals for the purposes of section 8 of the Act, and
  - (b) issue guidelines to authorised identifiers and councils with respect to the procedures to be followed by them when entering identification information on the Register for the purposes of section 70 (3) of the Act.

Authorised identifiers and councils must follow the procedures concerned 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) (Repealed)
- (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, after making reasonable enquiries, that the other person:
  - (a) is qualified and competent to be an authorised identifier, and
  - (b) will comply with the requirements of this Regulation with respect to the identification of companion animals, and of any guidelines issued to authorised identifiers from time to time by the Director-General under clause 8.
- (2A) The Director-General may withdraw a person's authorisation given under subclause (1) if satisfied that the person has failed to make reasonable enquiries before accrediting a person as an authorised identifier of companion animals.
- (2B) Before withdrawing a person's authorisation under subclause (2A), the Director-General must:
  - (a) notify the person of the proposed withdrawal of the authorisation, and
  - (b) give the person a reasonable opportunity to make submissions to the Director-General in respect of the proposed withdrawal, and
  - (c) have due regard to any such submissions.

- (2C) The Director-General must cause a person whose authorisation is withdrawn to be notified of the withdrawal in writing. Withdrawal of an authorisation takes effect on the day on which the notice is given, or from a later day specified in the notice.
- (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 with respect to the identification of companion animals, or of any guidelines issued to authorised identifiers from time to time by the Director-General under clause 8.
- (2) The accreditation of a person is withdrawn when the Director-General gives the person notice in writing that accreditation has been withdrawn.

#### **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 with respect to the identification of companion animals, or of any guidelines issued to authorised identifiers from time to time by the Director-General under clause 8.
- (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.
- (3) A companion animal is exempt from section 8 (2) of the Act in respect of its sale by a recognised breeder to a pet shop if, at the time of the sale, it is less than 12 weeks old.

## **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.
- (4) Before revoking an appointment under subclause (2) the Director-General must:
  - (a) notify the person or body of the proposed revocation, and
  - (b) give the person or body a reasonable opportunity to make submissions to the Director-General in respect of the proposed revocation, and
  - (c) have due regard to any such submissions.
- (5) The Director-General must cause a person or body whose application as a registration agent has been revoked to be notified of the revocation in writing. Revocation of an appointment takes effect on the day on which the notice is given, or from a later day specified in the notice.

## **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 natural person under the age of 18 years cannot be the registered owner of a companion animal.

**Note—**

A registered owner of a companion animal may be a natural person, a corporation or a body corporate or politic.

## **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,
- (c) an animal in the custody of a council pound, the Animal Welfare League, Cat Protection Society, RSPCA or any other organisation approved by the Director-General by order published in the Gazette,
- (d) an animal kept at a pet shop 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,
- (h) an animal in the custody of an accredited research establishment within the meaning of the *Animal Research Act 1985*, or the holder of an animal research authority or an animal supplier's licence within the meaning of that Act, for purposes in connection with animal research, as authorised under that Act,

- (i) an animal kept at a licensed animal display establishment within the meaning of the [Exhibited Animals Protection Act 1986](#) and lawfully exhibited in accordance with that Act.

## 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.

### 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 council of the area in which the animal is ordinarily kept may cancel the registration of the animal by noting the cancellation on the Register.
- (4) Before cancelling the registration of an animal under subclause (3), the council must notify the owner of the animal in writing of the proposed cancellation and of any associated action proposed to be taken (including subsequent prosecution of the owner for being the owner of an unregistered animal).
- (5) A council that cancels the registration of an animal under this clause must notify the Director-General of the cancellation within 7 days.

## **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,
- (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) (Repealed)
- (k) the animal's colour and details of any unusual or identifying markings on the animal,
- (l), (m) (Repealed)
- (n) in the case of a dog, whether the animal is a dangerous dog and, if so, on what date the relevant order or declaration was made,
- (o) (Repealed)
- (p) the date of registration.

## **22 (Repealed)**

## **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**

- (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 a registered companion animal, does not apply to a person to whom ownership of such an animal is transferred in relation to that transfer.

### **Note—**

Section 11 (1) (a) of the Act imposes a joint obligation on the registered owner of a companion animal and the person to whom the registered owner transfers ownership of that animal, to notify the Director-General of the change in ownership. The effect of clause 24 (2) is to except the new owner (under section 96 (2) (a) of the Act) from having to comply with that obligation (although the new owner is not prevented from carrying out the obligation on behalf of the registered owner).

## **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 council of the area in which the animal is ordinarily kept 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 council of the area in which any companion animal currently owned by the person is kept may, by notice in writing given to the person, direct that any such animal that is 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.

## **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, the RSPCA or any organisation approved by the Director-General under clause 17 (c) must be registered under the 1998 Act before 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.
- (3) The Director-General may withdraw a person's authorisation given under subclause (2) at any time.
- (4) Before withdrawing a person's authorisation under subclause (3), the Director-General must:
  - (a) notify the person of the proposed withdrawal of the authorisation, and
  - (b) give the person a reasonable opportunity to make submissions to the Director-General in respect of the proposed withdrawal, and
  - (c) have due regard to any such submissions.
- (5) The Director-General must cause a person whose authorisation is withdrawn to be notified of the withdrawal in writing. Withdrawal of an authorisation takes effect of the day on which the notice is given, or from a later day specified in the notice.

### **29 Privacy of information on Register**

- (1) Except as provided by this clause, a person must not:
  - (a) access or attempt to access information contained in the Register, or

- (b) intentionally allow a person to have access to information on the Register (for example, by disclosing to the person any access code, password or other individual identifier that enables access to that information), or
- (c) make, alter or delete any entry in the Register, or interfere with the Register in any other way, or
- (d) use information contained in the Register.

Maximum penalty: 10 penalty units.

- (2) For the purposes of this clause, **use** does not include the direct or indirect making of a record or disclosure of information contained in the Register.
- (3) It is not an offence under this clause for a person to do anything referred to in subclause (1) (a)-(d):
  - (a) in the exercise of functions under the Act, or
  - (b) for the purposes of or in connection with the exercise by another person of functions under the Act, or
  - (c) as authorised or required by or under section 75 (Access to the Register) of the Act, or
  - (d) as authorised or directed by the Director-General.

### **30 Confidentiality of information on Register**

- (1) A person who acquires information from the Register (otherwise than in the exercise of functions under the Act) must not directly or indirectly make a record of the information or disclose it to any person.

Maximum penalty: 10 penalty units.

#### **Note—**

Section 89 of the Act provides for a duty of confidentiality in respect of persons who exercise functions under the Act.

- (2) It is not an offence under this clause for a person directly or indirectly to make a record of, or disclose, information:
  - (a) for the purposes of or in connection with the exercise by another person of functions under 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.
- (3) It is not an offence under this clause for a person to disclose information if the person



is required to do so by law.

- (4) Subclause (1) does not apply to a disclosure of information to any of the following:
  - (a) the Independent Commission Against Corruption,
  - (b) the National Crime Authority,
  - (c) the New South Wales Crime Commission,
  - (d) the Ombudsman.
- (5) Subclause (1) does not apply to a disclosure of the name of the owner of a companion animal to a person who seeks that information for the purpose of bringing legal proceedings against the owner in respect of the animal's behaviour, but only if:
  - (a) the person has made a written request for that information, and
  - (b) the animal's behaviour concerned has been reported to the police or a council.
- (6) For the purposes of section 89 (4) of the Act, a person who seeks the name of the owner of a companion animal for the purpose of bringing legal proceedings against the owner in respect of the animal's behaviour is prescribed in relation to the divulging of the name of the owner of the animal, but only if:
  - (a) the person has made a written request for that information, and
  - (b) the animal's behaviour concerned has been reported to the police or a council.
- (7) In subclauses (5) and (6), **person** includes the person's legal representative.

### **30A Access may be limited to information relevant to functions**

For the purposes of section 75 (4) of the Act, the Director-General may afford different degrees of access to the Register to different classes of authorised person, having regard to the different functions that they perform.

### **31 Request for confidentiality where safety concerns**

- (1) The owner of a companion animal whose personal details are entered on the Register may request the Director-General to keep those 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,
  - (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.

## **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.

## Schedule 1 Penalty notice offences and short descriptions

(Clauses 35 and 36)

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Offence under the Act</b>	<b>Prescribed expression</b>	<b>Penalty</b>
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
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 89 (1)	unauthorised recording/divulging of confidential information	\$220
Section 90 (2) (a)	fail to give name and address	\$220
Section 90 (2) (b)	give false name/address	\$220
Section 91	obstruct authorised officer	\$110
<b>Offence under this Regulation</b>	<b>Prescribed expression</b>	<b>Penalty</b>
Clause 7 (1)	unauthorised implantation	\$220
Clause 7 (2)	unauthorised identifier advertise/represent capacity to identify	\$110
Clause 29 (1) (a)	unauthorised access/attempt to access Register	\$220
Clause 29 (1) (b)	allow unauthorised access to Register	\$220
Clause 29 (1) (c)	make/alter/delete entry in/interfere with Register	\$220
Clause 29 (1) (d)	unauthorised use of information in Register	\$220
Clause 30 (1)	unauthorised recording/disclosure of information from Register	\$220