

# Companion Animals Regulation 2018

[2018-441]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

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

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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New South Wales

## Contents

<b>Part 1 Preliminary</b> .....	5
1 Name of Regulation .....	5
2 Commencement .....	5
3 Definitions .....	5
<b>Part 2 Permanent identification of companion animals</b> .....	6
4 Categories of identified companion animals .....	6
5 Category 1 and 2 companion animals to be identified by microchip .....	7
6 Microchip to be implanted only by authorised identifiers .....	7
7 Procedure for identification of category 1 and 2 companion animals .....	7
8 Identification information for companion animals .....	8
9 Accreditation of persons as authorised identifiers .....	9
10 Withdrawal of accreditation .....	9
11 Withdrawal of veterinary practitioner's authorisation .....	10
12 Exemptions from identification requirement .....	10
<b>Part 3 Registration of companion animals</b> .....	11
13 Registration agents .....	11
14 Requirement for registration .....	11
15 Application for registration .....	11
16 Registered owner must be 18 or over .....	12
17 Exemptions from registration requirement .....	12
18 Registration fees .....	12
19 Cancellation of registration for non-payment of registration fees .....	14

20 Registration fee exemption for assistance animals .....	14
21 Only identified companion animals may be registered.....	15
22 Registration information .....	15
23 Exemptions while registration application pending .....	16
24 Requirement for registration of nuisance and other animals.....	16
25 Requirement for registration of lost and impounded animals.....	16
<b>Part 4 Annual permits for certain companion animals.....</b>	<b>17</b>
Note.....	17
26 Application for permit.....	17
27 Permit fees .....	17
27A Annual permit not required for certain cats.....	17
28 Permit scheme functions may be exercised by certain registration agents.....	18
<b>Part 5 The Register .....</b>	<b>18</b>
29 Additional information required on Register .....	18
30 Additional persons who may access Register .....	18
31 Dog attack information on the Register.....	19
<b>Part 6 Dangerous, menacing and restricted dogs .....</b>	<b>19</b>
32 Enclosure requirements for dangerous dogs or restricted dogs .....	19
33 Warning signs for dangerous, menacing or restricted dogs.....	21
34 Distinctive collars for dangerous, menacing or restricted dogs.....	21
35 Breed identification or registration certificates issued by Dogs NSW .....	22
36 Fee for issuing certificate of compliance in relation to enclosure .....	22
<b>Part 7 General .....</b>	<b>22</b>
37 Local authority for certain places .....	22
38 Notification of changes and events by owners of identified companion animals.....	23
39 Former owner to notify change of ownership of unregistered animal.....	23
40 Payments out of Companion Animals Fund .....	23
41 Listing of identification or registration information on databases .....	24
42 Muzzling requirements .....	24
43 Notices .....	25
43A Notice to owner of seized or surrendered animal .....	25

44 Repeal and savings.....	25
<b>Schedule 1 Penalty notice offences .....</b>	<b>25</b>
<b>Schedule 2 Adjustment for inflation of certain fees.....</b>	<b>28</b>
<b>Schedule 3 Savings and transitional provisions .....</b>	<b>29</b>

# Companion Animals Regulation 2018



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Companion Animals Regulation 2018*.

### 2 Commencement

- (1) This Regulation commences on 31 August 2018 (except as provided by subclause (2)) and is required to be published on the NSW legislation website.
- (2) Part 4 commences on 1 July 2019.

#### Note—

This Regulation repeals and replaces the *Companion Animals Regulation 2008*, which would otherwise be repealed on 1 September 2018 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definitions

- (1) In this Regulation—

**authorised identifier** means—

- (a) a veterinary practitioner (other than a veterinary practitioner whose authority to identify companion animals has been withdrawn under clause 11), or
- (b) a person who is, for the time being, accredited under Part 2 as an authorised identifier of companion animals.

**microchip** means a subcutaneous full duplex electronic radio transponder implanted for the purposes of this Regulation.

**recognised breeder**, in relation to a species of companion animal, means a person who is a member of a recognised breeders' organisation (within the meaning of Part 9 of the Act) for the species of companion animal.

**registration agent** means—

- (a) a council, or

(b) a person appointed under clause 13 (2).

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

**Note—**

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

## Part 2 Permanent identification of companion animals

### 4 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 identified on a voluntary basis by the implantation of a microchip on or after 1 October 2001,
  - (c) **category 3 companion animals**, being companion animals identified on a voluntary basis by the implantation of a recognised microchip before 1 October 2001,
  - (d) **category 4 companion animals**, being companion animals identified by the implantation of a recognised microchip while in a place other than New South Wales.
- (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 this clause to a companion animal identified on a **voluntary basis** is a reference to an identified companion animal that is not required to be identified for the purposes of section 8 of the Act.
- (4) In this clause—

**recognised microchip** means a microchip that, in the opinion of the Departmental Chief Executive—

- (a) has been implanted in the companion animal concerned in accordance with the procedure set out in clause 5 (2), and
- (b) has a unique identification number, and
- (c) functions properly.

## **5 Category 1 and 2 companion animals to be identified by microchip**

- (1) A category 1 or category 2 companion animal is to be identified by the implantation of a microchip of a type or specification approved by the Departmental Chief Executive 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) Different types or specifications of microchip may be approved from time to time.
- (4) The Departmental Chief Executive may, by order published in the Gazette, withdraw the approval of a type or specification of microchip.
- (5) A microchip implanted before the publication of an order withdrawing the approval of that type or specification of microchip remains a microchip of an approved type or specification despite the withdrawal.

## **6 Microchip to be implanted only by authorised identifiers**

- (1) A person must not implant a microchip in a category 1 or category 2 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 practitioner.

Maximum penalty—15 penalty units.

- (2) A person must not advertise or otherwise represent that the person is authorised to identify category 1 or category 2 companion animals unless the person is an authorised identifier.

Maximum penalty—8 penalty units.

## **7 Procedure for identification of category 1 and 2 companion animals**

- (1) The following procedures are to be followed by an authorised identifier when identifying a category 1 or category 2 companion animal for the purposes of clause 5—
  - (a) immediately before the microchip is implanted in the animal—
    - (i) the animal must be scanned to ensure that it does not already have a functioning microchip properly implanted, and
    - (ii) the microchip must be scanned to ensure that it is functioning properly and to check that its scanned number is the unique identification number shown on

the applicable supporting documentation,

- (b) immediately after implantation, the animal must be scanned to confirm proper implantation and functioning of the microchip,
- (c) any guidelines issued by the Departmental Chief Executive under this clause that apply to the authorised identifier must be complied with.

(2) The Departmental Chief Executive may—

- (a) issue guidelines applying to authorised identifiers with respect to the procedures to be followed when identifying category 1 or category 2 companion animals, and
- (b) issue guidelines applying to authorised identifiers and councils with respect to the procedures to be followed by authorised identifiers when entering identification information on the Register for the purposes of section 70 (3) of the Act.

(3) An authorised identifier or council must comply with any guidelines issued by the Departmental Chief Executive under this clause that apply to the authorised identifier or council.

## **8 Identification information for companion animals**

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

- (a) the unique identification number of the microchip implanted in the animal,
- (b) in the case of a category 1 or category 2 companion animal, the name of the authorised identifier who carried out, or supervised, the implantation of the microchip and, if the authorised identifier is accredited, his or her accreditation number,
- (c) the date on which the animal was identified,
- (d) the full name and telephone number of the owner of the animal,
- (e) the address of the place at which the animal is ordinarily kept,
- (f) the name of the council of the area in which 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 sex,
- (j) the animal's colour and details of any unusual or identifying marks on the animal,
- (k) the unique identification number of the microchip implanted in the female parent of the companion animal (if known to the owner of the companion animal).



## **9 Accreditation of persons as authorised identifiers**

- (1) The Departmental Chief Executive may, by notice in writing given to any person, authorise the person to accredit other persons as authorised identifiers of companion animals. In this clause, such a person is referred to as an **authorised person**.
- (2) An authorised person must not accredit another person as an authorised identifier of companion animals unless the authorised 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.
- (3) The Departmental Chief Executive may withdraw the authorisation of an authorised person if satisfied that the authorised person has failed to make reasonable enquiries before accrediting a person as an authorised identifier of companion animals.
- (4) Before withdrawing a person's authorisation under subclause (3), the Departmental Chief Executive must—
  - (a) notify the authorised person of the proposed withdrawal of the authorisation, and
  - (b) give the authorised person a reasonable opportunity to make submissions to the Departmental Chief Executive in respect of the proposed withdrawal, and
  - (c) have due regard to any such submissions.
- (5) The Departmental Chief Executive must cause an authorised person whose authorisation is withdrawn to be notified of the withdrawal in writing. Withdrawal of an authorisation takes effect on the date on which the notice is given to the person whose authorisation is to be withdrawn or from a later date as specified in the notice.
- (6) A person who is dissatisfied with the failure or refusal of an authorised person to accredit the person as an authorised identifier of companion animals may make a written application for that accreditation to the Departmental Chief Executive.
- (7) The Departmental Chief Executive must, after consultation with the authorised person who failed or refused to accredit the applicant as an authorised identifier of companion animals, grant or refuse the application.
- (8) The applicant is to be given written notice of the grant or refusal of the application within 28 days after the application is made.

## **10 Withdrawal of accreditation**

- (1) The Departmental Chief Executive may withdraw the accreditation of a person as an authorised identifier of companion animals if the Departmental Chief Executive is

satisfied that—

- (a) the person is not qualified or competent to be an authorised identifier, or
  - (b) the person has been negligent or incompetent in connection with the exercise of the person’s functions as an authorised identifier, or
  - (c) the person has failed to comply with a requirement imposed by or under the Act with respect to the identification of companion animals, or
  - (d) it is otherwise appropriate to do so.
- (2) The accreditation of a person is withdrawn when the Departmental Chief Executive gives the person notice in writing that accreditation has been withdrawn.

### **11 Withdrawal of veterinary practitioner’s authorisation**

- (1) The Departmental Chief Executive may withdraw a veterinary practitioner’s authority to identify companion animals for the purposes of the Act by notice in writing served on the veterinary practitioner concerned.
- (2) A notice under this clause is not to be served unless the Departmental Chief Executive is satisfied that the veterinary practitioner—
- (a) has been negligent or incompetent in connection with the exercise of the veterinary practitioner’s functions as an authorised identifier, or
  - (b) has failed to comply with a requirement by or under the Act with respect to the identification of companion animals.
- (3) A notice under this clause takes effect on and from the date the notice is served or any later date that is specified in the notice.
- (4) The Departmental Chief Executive may, at any time, reinstate a veterinary practitioner’s authority to identify companion animals for the purposes of the Act by notice in writing to the veterinary practitioner concerned.

### **12 Exemptions from identification requirement**

- (1) A companion animal is exempt from section 8 of the Act if it is exempt from the requirement to be registered under section 9 of the Act.

**Note—**

Section 9 (4) of the Act exempts certain greyhounds from the registration requirement. See also clauses 17 and 23, which exempt certain companion animals from that requirement.

- (2) A companion animal is exempt from section 8 of the Act if a veterinary practitioner 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**

### **13 Registration agents**

- (1) Each council is a registration agent for the purposes of this Regulation.
- (2) The Departmental Chief Executive may appoint any person or body to be a registration agent for the purposes of this Regulation.
- (3) The Departmental Chief Executive may issue guidelines with respect to the procedures to be followed by registration agents in exercising their functions. Registration agents must follow any such procedures if they are required to do so by those guidelines.
- (4) The Departmental Chief Executive may revoke the appointment of a person or body under subclause (2) at any time by notice in writing served on the person or body.
- (5) Before serving a notice revoking a person's or body's appointment, the Departmental Chief Executive 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 Departmental Chief Executive in respect of the proposed revocation, and
  - (c) have due regard to any such submissions.
- (6) A notice under subclause (4) takes effect on the date on which the notice is served or from any later date that is specified in the notice.

### **14 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).

### **15 Application for registration**

An application for registration of a companion animal may be made to the Departmental Chief Executive or a registration agent in any manner authorised by the Departmental Chief Executive.

**Note—**

This may include the facility for making online applications.

## **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 at least 18 years old or a corporation.

## **17 Exemptions from registration requirement**

(1) The following companion animals are exempt from section 9 of the Act—

- (a) (Repealed)
- (b) an animal that is ordinarily kept outside New South Wales, but not if 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 rehoming organisation, but not if the animal has been in the custody of that organisation or any other rehoming organisation for more than 12 months,
- (d) a dog that is ordinarily used by a police officer on official duty,
- (e) a dog that is ordinarily used on official duty by a correctional officer (within the meaning of the *Crimes (Administration of Sentences) Act 1999*),
- (f) a dog used by a Commonwealth officer on official duty,
- (g) 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,
- (h) 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,
- (i) a working dog that is ordinarily kept in a part of the Western Division of the State that is not within a local government area,
- (j) a working dog that is ordinarily kept on land categorised as farmland for the purposes of Part 3 of Chapter 15 of the *Local Government Act 1993*.

(2) Subclause (1) (a) is repealed on 1 January 2020.

## **18 Registration fees**

(1) The following fees are payable for the registration of a companion animal before the

animal reaches the age of 6 months—

- (a) a registration fee,
- (b) an additional fee of \$156, in the case of a dog that has not been desexed before reaching 6 months of age and is not kept by a recognised breeder for breeding purposes,
- (c) a late fee of \$17 if the registration fee has not been paid 28 days after the date on which the companion animal is required to be registered.

(2) The **registration fee** is—

- (a) in the case of a dog—\$66, or
- (b) in the case of a cat—\$10 less than the registration fee for a dog, or
- (c) (Repealed)
- (d) in the case of a desexed companion animal owned by an eligible pensioner—\$26.

(3) The additional fee is not payable—

- (a) if, before the dog reaches 6 months of age, a veterinary practitioner has specified in writing that—
  - (i) the dog should not be desexed until it reaches the age specified by the veterinary practitioner, or
  - (ii) desexing the dog at any time of its life would constitute a serious health risk to the dog, or
- (b) in the case of a dog that is desexed after reaching 6 months of age and sold to the owner by a rehoming organisation.

(3A) The exemption specified in subclause (3)(a)(i) applies only until the dog reaches the age specified by the veterinary practitioner.

(4) No fee is payable under this clause for the registration of—

- (a) any animal that is in the service of a public authority, or
- (b) a working dog, or
- (c) a companion animal that is desexed and sold to the owner by a rehoming organisation.

(5) The Departmental Chief Executive may require the owner of a companion animal to provide proof, in any manner that the Departmental Chief Executive determines, of any matter relevant to a fee payable under this clause.

(6) The fees payable under this clause are to be adjusted annually for inflation as provided by Schedule 2.

**Editorial note—**

- 1 For the adjusted fee amounts, see the note in Schedule 2, clause 2(6).
- 2 See subclause (6C) in relation to the fee amount for subclause (2)(a) and (b).

(6A) To avoid doubt, the registration fee for a cat is to remain \$10 less than the registration fee for a dog, even after the registration fee for a dog is adjusted for inflation under subclause (6).

(6B) Despite subclause (6), the fees payable under this clause are not to be adjusted annually for inflation for the financial year commencing on 1 July 2020.

(6C) Despite subclause (6) and Schedule 2 and to avoid doubt, for the financial year commencing on 1 July 2021—

- (a) the fee payable under subclause (2)(a) is \$66, and
- (b) the fee payable under subclause (2)(b) is \$56.

(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, known as the Pensioner Concession Card, that is in force.

## **19 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 18 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.

## **20 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 for the animal's registration must be paid within 28 days after the exemption ceases.
- (4) 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.
- (5) Before cancelling the registration of an animal under subclause (4), 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).
- (6) A council that cancels the registration of an animal under this clause must notify the Departmental Chief Executive of the cancellation within 7 days.
- (7) The council or the Departmental Chief Executive may reinstate the registration of an animal that was cancelled under subclause (4) by noting the reinstatement on the Register.

## **21 Only identified companion animals may be registered**

A companion animal must not be registered unless it is an identified companion animal.

## **22 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 identification information for the animal (but not including the matters referred to in clause 8 (b) or (c) if those matters are not known to the owner of the animal),
- (b) 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,
- (c) whether or not the animal is desexed,
- (d) in the case of a dog—whether the animal is a dangerous dog or a menacing dog and, if so, on what date the relevant order or declaration was made,
- (e) in the case of a dog—whether the animal has been declared under Division 6 of Part 5 of the Act to be a restricted dog and, if so, the date on which the declaration took effect,

- (f) the date of registration,
- (g) if the animal's registration was cancelled under clause 19 (1) or 20 (4) at any time but subsequently reinstated—the date the reinstatement of the registration took effect.

### **23 Exemptions while registration application pending**

- (1) While an application for registration of a companion animal (including an application required by clause 24) is pending, the animal is exempt from sections 9, 10, 10B, 51 (1) (k) and 56 (1) (h) of the Act.
- (2) An application is **pending** from the time the application is properly made to the Departmental Chief Executive or a registration agent and any registration fee payable for registration of the animal is paid until the animal is registered pursuant to the application.

### **24 Requirement for registration of nuisance and other animals**

- (1) If an order is issued in respect of an animal under section 31 or 32A of the Act and the animal is not otherwise required to be registered under the 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 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 Act or pays an amount under section 92 of the 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 Act must be registered under the 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 Act before the date as 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.

### **25 Requirement for registration of lost and impounded animals**

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



## **Part 4 Annual permits for certain companion animals**

### **Note—**

This Part commences on 1 July 2019.

### **26 Application for permit**

For the purposes of section 11I of the Act, an application for a permit for a companion animal must be made in writing or by any other means authorised by the Departmental Chief Executive.

### **Note—**

This may include the facility for making online applications.

### **27 Permit fees**

- (1) For the purposes of section 11N (d) of the Act, the fee required to be paid for the issue of a permit for a companion animal is—
  - (a) \$80, in the case of a cat that is not desexed, or
  - (b) \$195, in the case of a dangerous dog, or
  - (c) \$195, in the case of restricted dog.
- (2) A late fee of \$17 is payable if the permit fee has not been paid 28 days after the date on which a permit was required to own the companion animal.
- (3) A permit is revoked if the applicable fee is not paid in accordance with this clause.
- (4) The fees referred to in this clause are to be adjusted for inflation as provided by Schedule 2.
- (5) Despite subclause (4), the fees referred to in this clause are not to be adjusted annually for inflation for the financial year commencing on 1 July 2020.

### **Editorial note—**

For the adjusted fee amounts, see the note in Schedule 2, clause 2(6).

### **27A Annual permit not required for certain cats**

For the purposes of section 11G(f) of the Act, Division 1 of Part 2A of the Act does not apply in respect of—

- (a) a cat kept by a recognised breeder for breeding purposes, or
- (b) a cat, if a veterinary practitioner has specified in writing that—
  - (i) the cat should not be desexed until it reaches the age specified by the veterinary practitioner, but only if the cat has not reached the specified age, or

- (ii) desexing the cat at any time of its life would constitute a serious health risk to the cat.

### **28 Permit scheme functions may be exercised by certain registration agents**

For the purposes of section 11N (i) of the Act, the Departmental Chief Executive may appoint a registration agent to exercise any or all functions of the Departmental Chief Executive under Division 2 of Part 2A of the Act, being the functions specified on the authorisation.

## **Part 5 The Register**

### **29 Additional information required on Register**

For the purposes of section 80 (1) (r) of the Act, the unique identification number of the microchip implanted in the female parent of the companion animal (if known to the owner of the companion animal) is required to be entered in the Register in relation to each registered companion animal.

### **30 Additional persons who may access Register**

For the purposes of section 83G (1) of the Act, the following persons are entitled to access the information contained in the Register—

- (a) an inspector within the meaning of the *Greyhound Racing Act 2017*,
- (b) a police officer,
- (c) the Commissioner of Fines Administration, but only to the extent required for the purposes of the administration or execution of the *Fines Act 1996*,
- (d) any person authorised by the Commissioner of Fines Administration, but only to the extent required for the purposes of the administration or execution of the *Fines Act 1996*,
- (e) the Chief Executive of the Office of Environment and Heritage, but only to the extent required for the purposes of the administration or execution of the *Impounding Act 1993* or the *National Parks and Wildlife Act 1974*,
- (f) any person authorised by the Chief Executive of the Office of Environment and Heritage, but only to the extent required for the purposes of the administration or execution of the *Impounding Act 1993* or the *National Parks and Wildlife Act 1974*,
- (g) a registration agent, but only to the extent required for the purposes of exercising the functions of that registration agent under the Act or this Regulation,
- (h) any person authorised by a registration agent, but only to the extent required for the purposes of exercising the functions of that registration agent under the Act or this

Regulation.

### **31 Dog attack information on the Register**

- (1) For the purposes of section 80 (4) of the Act, information about dog attacks may be entered on the Register, whether or not the attacking dog is a registered companion animal at the time of the attack.
- (2) A council with which an arrangement is in place under section 83J of the Act must enter on the Register the following information in respect of a dog attack—
  - (a) the identification information of the dog if it is a registered companion animal,
  - (b) a description of the dog and the owner (if known) if it is not a registered companion animal,
  - (c) details of the person or animal attacked and the nature of any injury,
  - (d) details of any securing or seizing of the dog under section 18 of the Act, or any action taken to protect persons or property under section 22 of the Act,
  - (e) any other information that the Departmental Chief Executive may direct from time to time by notice to the council.

#### **Note—**

Councils enter information on the Register in accordance with an arrangement in place under section 83J of the Act.

- (3) A council must enter the information on the Register within 72 hours after any relevant information is received by the council.
- (4) In this clause, **dog attack** means an incident that involves or is alleged to involve a dog rushing at, attacking, biting, harassing or chasing a person or animal (other than vermin), whether or not any injury is caused to the person or animal, but not including an incident that occurs in the course of—
  - (a) lawful hunting, or
  - (b) the working of stock by the dog or the training of the dog in the working of stock, or
  - (c) the working or training of a police dog or corrective services dog.

## **Part 6 Dangerous, menacing and restricted dogs**

### **32 Enclosure requirements for dangerous dogs or restricted dogs**

- (1) For the purposes of sections 51 (1) (c) and 56 (1) (a1) of the Act, the requirements set out in this clause must be complied with in relation to an enclosure for a dangerous

dog or a restricted dog.

(2) The enclosure must—

- (a) be fully enclosed, constructed and maintained in such a way 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 that a person cannot have access to it without the assistance of an occupier of the property who is above the age of 18 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 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 metres and a minimum width of 1.8 metres, 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 millimetres 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 of sufficient dimensions to enable each dangerous dog or a restricted dog kept on the property to shelter from the weather.

(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 33.

(4) Mesh used in the construction of an enclosure must be either—

- (a) chain mesh manufactured from at least 3.15 millimetres wire to form a maximum

mesh spacing of 50 millimetres, or

- (b) weldmesh manufactured from at least 4 millimetres wire with a maximum mesh spacing of 50 millimetres.

### **33 Warning signs for dangerous, menacing or restricted dogs**

For the purposes of sections 51 (1) (d) and 56 (1) (c) of the Act, a sign must—

- (a) be no smaller than 40 centimetres × 40 centimetres, and
- (b) be made of durable materials, and
- (c) show the words “Warning Dangerous Dog” in either lower case or upper case letters that are each at least 50 millimetres high and 10 millimetres wide, and
- (d) be situated so that the words “Warning Dangerous Dog” are legible to any person immediately before entering the property by way of any gate, door or other entry point.

### **34 Distinctive collars for dangerous, menacing or restricted dogs**

(1) For the purposes of sections 51 (1) (d1) and 56 (1) (c1) of the Act, a collar must—

- (a) consist of red stripes alternatively spaced with yellow stripes, each stripe being 25 millimetres wide and set diagonal to the rim of the collar at an angle of 45 degrees, and all of the stripes of at least 1 of the 2 colours are sufficiently reflective so as to be visible in low light, and
- (b) be made of durable materials, and
- (c) be able to be securely fastened, and
- (d) have a device or other facility that enables it to be attached to a leash, and
- (e) have a minimum width of—
  - (i) 25 millimetres for a dog weighing less than 20 kilograms, or
  - (ii) 40 millimetres for a dog weighing between 20 kilograms and 40 kilograms, or
  - (iii) 50 millimetres for a dog weighing more than 40 kilograms.

(2) A dog must not wear any such collar unless the dog is a dangerous dog, a menacing dog or a restricted dog.

(3) If subclause (2) is contravened—

- (a) the owner of the dog, or
- (b) if the owner is not present at the time of the offence and another person who is of

or above the age of 16 years is in charge of the dog at that time—that other person,

is guilty of an offence.

Maximum penalty—8 penalty units.

- (4) A person does not commit an offence under this clause if the person does not know, or could not reasonably be expected to know, that the collar is of the kind prescribed for the purposes of section 51 (1) (d1) or 56 (1) (c1) of the Act.

### **35 Breed identification or registration certificates issued by Dogs NSW**

Any breed identification certificate or breed registration certificate issued by the Royal New South Wales Canine Council Limited (trading as Dogs New South Wales) in relation to a dog is prescribed for the purposes of section 58C (3) of the Act, but only if the certificate contains the unique identification number of the microchip that has been implanted in the dog.

### **36 Fee for issuing certificate of compliance in relation to enclosure**

For the purposes of section 58H (2) (b) of the Act, the fee of \$150 is prescribed.

## **Part 7 General**

### **37 Local authority for certain places**

- (1) For the purposes of section 6 (2) of the Act, the functions of the local authority for any of the following places are to be exercised by the person specified in relation to that place for the purposes of the relevant provisions of the Act—
- (a) the Trust lands within the meaning of the [Centennial Park and Moore Park Trust Act 1983](#)—the Centennial Park and Moore Park Trust,
  - (b) Sydney Olympic Park within the meaning of the [Sydney Olympic Park Authority Act 2001](#)—the Sydney Olympic Park Authority,
  - (c) the trust lands within the meaning of the [Parramatta Park Trust Act 2001](#)—the Parramatta Park Trust,
  - (d) Trust land within the meaning of the [Western Sydney Parklands Act 2006](#)—the Western Sydney Parklands Trust.
- (2) The **relevant provisions** of the Act are as follows—
- (a) sections 12, 13, 14, 15, 20, 29 and 30,
  - (b) sections 69E, 69F, 69G, 69H and 92 in their application in respect of the provisions referred to in paragraph (a),

- (c) the definition of **authorised officer** in section 5 (1), in its application in respect of the provisions referred to in paragraphs (a) and (b).

### **38 Notification of changes and events by owners of identified companion animals**

- (1) A notification for the purposes of section 11 of the Act—
- (a) in the case of the notification of the death of a companion animal—is to be given by telephone or in writing in the approved form, and
  - (b) in any other case—is to be given in writing using the form authorised by the Departmental Chief Executive, and
  - (c) may be given to the Departmental Chief Executive by being given to a registration agent.
- (2) 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.
- (3) Section 11 (1) of the Act, in so far as it imposes an obligation to notify the Departmental Chief Executive of the change of ownership of an identified companion animal that is registered, does not impose that obligation on the new owner.

#### **Note—**

Section 11 (3) of the Act provides that, in the event of a change of ownership of a registered animal, the certificate of registration showing the registration information as changed is to be provided to the new owner.

- (4) 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.

### **39 Former owner to notify change of ownership of unregistered animal**

- (1) If the ownership of an identified companion animal that is not registered changes, the person who ceases to be the owner of the animal is to notify the Departmental Chief Executive of that change of ownership.

Maximum penalty—8 penalty units.

- (2) This clause does not affect any obligation of the owner of an identified companion animal that is not registered to notify the Departmental Chief Executive under section 11 (1) of the Act in respect of the change of ownership.

### **40 Payments out of Companion Animals Fund**

- (1) An amount, as determined by the Departmental Chief Executive from time to time, is to be paid to a registration agent from the Fund, out of amounts collected as

registration fees under the Act.

- (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 Departmental Chief Executive under section 85 (4) of the Act for an agent to deduct an amount payable to that agent at the point of payment of registration fees.

#### **41 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 management and care of companion animals.

#### **42 Muzzling requirements**

- (1) Greyhounds are prescribed as a breed of dog to which section 15 of the Act applies.
- (2) However, a greyhound is exempt from the requirement under section 15 of the Act to have a muzzle securely fixed on its mouth if—
  - (a) the greyhound is registered, and
  - (b) in addition, if the greyhound is in a declared off-leash area (under section 13 (6) of the Act)—the greyhound has successfully completed an approved greyhound re-training program and either—
    - (i) the greyhound is wearing an approved collar, or
    - (ii) the person in charge of the greyhound is in possession of a proof of completion card certifying that the greyhound has successfully completed the program.
- (3) Despite subclause (2), the exemption from section 15 of the Act does not apply to a greyhound that is a dangerous dog, a menacing dog or a restricted dog.
- (4) In this clause—

**approved collar** means a collar of a kind approved by the Departmental Chief Executive for the purposes of this clause.

**approved greyhound re-training program** means a program that is approved by the Departmental Chief Executive, for the purposes of this clause, by order published in the Gazette.

**proof of completion card** means a card, of a kind approved by the Departmental Chief Executive for the purposes of this clause, certifying the successful completion of an approved greyhound re-training program.



### 43 Notices

- (1) A notice that is required to be given in writing under this Regulation may be served personally or by post or be issued electronically.
- (2) If a council is required under the Act to notify the Departmental Chief Executive of any matter, the notice is to be given in accordance with any arrangements determined by the Departmental Chief Executive.

#### 43A Notice to owner of seized or surrendered animal

A notice required by section 63 of the Act may be served by email to the owner's email address specified in the Register.

### 44 Repeal and savings

- (1) The *Companion Animals Regulation 2008* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Companion Animals Regulation 2008*, had effect under that Regulation is taken to have effect under this Regulation.

## Schedule 1 Penalty notice offences

- (1) For the purposes of section 92 of the Act—
  - (a) each offence specified in this Schedule is an offence for which a penalty notice may be issued, and
  - (b) the amount payable under any such penalty notice is the amount specified in this Schedule for the offence.
- (2) If the reference to a provision in this Schedule is qualified by words that restrict its operation to specified kinds of offence or to offences committed in specified circumstances, an offence created by the provision is an offence for which a penalty notice may be issued only if it is an offence of a kind so specified or is committed in the circumstances so specified.

Column 1	Column 2
Provision	Penalty
Offences under the Act	
Section 8 (3)—	
(a) in the case of a dangerous, menacing or restricted dog	\$1,320
(b) in any other case	\$180
Section 8 (4)—	

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(a) in the case of a dangerous, menacing or restricted dog	\$1,320
(b) in any other case	\$180
Section 9 (1)—	
(a) in the case of a dangerous, menacing or restricted dog	\$1,320
(b) in any other case	\$330
Section 10—	
(a) in the case of a dangerous, menacing or restricted dog	\$1,320
(b) in any other case	\$305
Section 10B (2)—	
(a) in the case of a dangerous, menacing or restricted dog	\$1,320
(b) in any other case	\$305
Section 11 (1) (but only in relation to the matters referred to in section 11 (1) (a), (b), (c) or (d1))—	
(a) in the case of a dangerous, menacing or restricted dog	\$1,320
(b) in any other case	\$180
Section 11B(2)	\$400
Section 11C(2)	\$700
Section 11D(2)	\$700
Section 11E(2)(a)	\$400
Section 11E(2)(b)	\$700
Section 11K(4)	\$220
Section 12 (2)—	
(a) in the case of a dangerous, menacing or restricted dog	\$1,320
(b) in any other case	\$180
Section 12A (1)	\$220
Section 13 (2)—	
(a) in the case of a dangerous, menacing or restricted dog	\$1,760

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(b) in any other case	\$330
Section 14 (2)—	
(a) in the case of a dangerous, menacing or restricted dog	\$1,760
(b) in any other case	\$330
Section 15 (2)	\$180
Section 16 (1) (but only in the case of a dog that is not a dangerous, menacing or restricted dog)	\$1,320
Section 20 (1)	\$275
Section 29 (3)	\$180
Section 30 (2)	\$180
Section 31 (5)	\$165
Section 32A (5)	\$275
Section 36 (1)	\$1,320
Section 51 (2)	\$1,760
Section 52A (1)	\$1,760
Section 52B (1)	\$1,760
Section 56 (2)	\$1,760
Section 57A (1)	\$1,760
Section 57B (1)	\$1,760
Section 57C	\$1,760
Section 58B (1)	\$1,320
Section 60 (1)	\$330
Section 61 (1)	\$330
Section 62 (1)	\$660
Section 69G (2)	\$330
Section 76 (1)	\$330
<b>Offences under this Regulation</b>	
Clause 6 (1)	\$330
Clause 6 (2)	\$180
Clause 34 (3)	\$220

## Schedule 2 Adjustment for inflation of certain fees

(Clauses 18 and 27)

### 1 Definitions

In this Schedule—

**adjustable fee amount** means a fee amount prescribed under clause 18 or 27 of this Regulation.

**Consumer Price Index** means the Consumer Price Index (All Groups Index) for Sydney published by the Australian Statistician.

**Consumer Price Index number**, in relation to a quarter, means the number for that quarter appearing in the Consumer Price Index.

**financial year** means a period of 12 months commencing on 1 July.

### 2 Adjustment of fees

- (1) Each adjustable fee amount is, on 1 July each year, to be adjusted for inflation as provided by this clause.
- (2) The adjustable fee amount that is to apply for the financial year commencing on that 1 July is to be determined by multiplying the adjustable fee amount that applied for the previous financial year by the annual increase in the Consumer Price Index during that previous financial year.
- (3) The annual increase in the Consumer Price Index during a financial year is to be calculated as  $B/A$  where—

**B** is the Consumer Price Index number for the last quarter for which such a number was published before the end of the financial year.

**A** is the Consumer Price Index number for the last quarter for which such a number was published before the start of the financial year.
- (4) If  $B/A$  is less than 1 (as a result of deflation),  $B/A$  is deemed to be 1.
- (5) An adjustable fee amount is to be rounded up to the nearest dollar.
- (6) Before the start of each financial year, the Departmental Chief Executive is to publish notice of the amount of each adjustable fee amount for that financial year (as adjusted under this Schedule) on the following websites—
  - (a) the NSW legislation website,

(b) the website of the Office of Local Government.

**Editorial note—**

**1 Annual adjustment for inflation of certain fees**

For the financial year specified in Column 1, the adjustable fee amount in relation to a provision of the Regulation specified in Column 2 is the corresponding amount specified in Column 3.

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Financial year—1 July to 30 June</b>	<b>Provision</b>	<b>Amount</b>
2021-22	clause 18(1)(b)	\$158
	clause 18(1)(c)	\$18
	clause 18(2)(a)	\$61
	clause 18(2)(d)	\$27
	clause 27(1)(a)	\$81
	clause 27(1)(b)	\$197
	clause 27(1)(c)	\$197
	clause 27(2)	\$18
2022-23	clause 18(1)(b)	\$165
	clause 18(1)(c)	\$19
	clause 18(2)(a)	\$69
	clause 18(2)(d)	\$29
	clause 27(1)(a)	\$85
	clause 27(1)(b)	\$206
	clause 27(1)(c)	\$206
	clause 27(2)	\$19

**2** See clause 18(6C) in relation to the fee amount for clause 18(2)(a) and (b).

(7) (Repealed)

**Note—**

Fees were not adjusted under this Schedule for the financial year commencing on 1 July 2020. See clauses 18(6B) and 27(5).

## **Schedule 3 Savings and transitional provisions**

### **1 Definition**

In this Schedule—

**2018 amending Act** means the *Companion Animals and Other Legislation Amendment Act 2018*.

**2 Permit for cats that are not desexed before permit requirement imposed by 2018 amending Act**

- (1) For the purposes of clause 9 (2) of Schedule 3 to the Act, the period of 12 months and 21 days after the commencement of section 11B (as inserted by the 2018 amending Act) is prescribed.
- (2) A cat that was born after the commencement of section 11B, but before 22 July 2020, is exempt from the requirement imposed by that section until 22 July 2020.

**3 Permit for dogs declared dangerous before permit requirement imposed by 2018 amending Act**

- (1) For the purposes of clause 10 (2) of Schedule 3 to the Act, the period of 12 months and 21 days after the commencement of section 11C (as inserted by the 2018 amending Act) is prescribed.
- (2) A dog declared to be a dangerous dog after the commencement of section 11C, but before 22 July 2020, is exempt from the requirement imposed by that section until the later of—
  - (a) 22 July 2020, or
  - (b) the date that is 7 days after the declaration that the dog is a dangerous dog takes effect.

**4 Permit for dogs declared restricted before permit requirement imposed by 2018 amending Act**

- (1) For the purposes of clause 11 (2) of Schedule 3 to the Act, the period of 12 months and 21 days after the commencement of section 11D (as inserted by the 2018 amending Act) is prescribed.
- (2) A dog declared to be a restricted dog after the commencement of section 11D, but before 22 July 2020, is exempt from the requirement imposed by that section until 22 July 2020.