

Companion Animals Regulation 1999

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New South Wales

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Provisions in force

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

Notes—

- **Repeal**

The Regulation was repealed by sec 10 (2) of the [Subordinate Legislation Act 1989 No 146](#) with effect from 1.9.2008.

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

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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*.

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 Definitions

In this Part:

authorised identifier means:

- (a) a person who is a veterinary practitioner, or
- (b) a person who is for the time being accredited under this Part as an authorised identifier of companion animals.

microchip means a subcutaneous full duplex electronic radio transponder.

5A Categories of identified companion animals

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

(b) has allocated to it a unique identification number, and

(c) functions properly.

6 Manner in which category 1 and 2 companion animals are to be identified

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

7 Identification of category 1 or 2 companion animals only by authorised persons

- (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 himself or herself to be capable of identifying category 1 or category 2 companion animals unless the person is an authorised identifier under this Regulation.

Maximum penalty: 8 penalty units.

8 Procedure for identification of category 1 and 2 companion animals

- (1) The following procedures are to be followed by authorised identifiers when identifying category 1 or category 2 companion animals:
 - (a) Before a microchip is implanted in a category 1 or category 2 companion animal, the animal is to be scanned to ensure that it does not already have a functioning microchip properly implanted.
 - (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 category 1 or category 2 companion animals, 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 in relation to all categories of companion animals

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,
- (b) in the case of a category 1 or category 2 companion animal, the name of the authorised identifier who identifies the animal 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,
- (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 practitioner's authorisation

- (1) The Director-General may give a direction to a person who is a veterinary practitioner 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 practitioner 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 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.

- (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, for the purposes of this clause only, 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 in accordance with the rules made in relation to greyhound racing under the *Greyhound and Harness Racing Administration Act 2004*,
- (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,
- (j) 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,
- (k) 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*.

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)—\$40,
 - (b) for a desexed animal owned by an eligible pensioner—\$15,
 - (c) for an animal that is not desexed (except an animal kept by a recognised breeder for breeding purposes)—\$150,
 - (d) for an animal that is not desexed and that is kept by a recognised breeder for breeding purposes—\$40.
- (2) There is an exemption from payment of a registration fee for the registration of the following:
 - (a) any animal the Director-General is satisfied is in the service of an instrumentality of the State,
 - (b) a working dog.

Note—

A working dog is defined in the Act as a dog used primarily for the purpose of droving, tending, working or protecting stock (or a dog being trained as a working dog). If the dog is declared to be a dangerous dog, it cannot be a working dog while the declaration is in force.

- (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 an identified companion animal.

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,
- (b) in the case of a category 1 or category 2 companion animal, the name (if known) 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,
- (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) whether or not the animal is desexed,

- (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) 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,
- (p) the date of registration.

22 (Repealed)

23 Exemption 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, 10, 10A, 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 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, 25 (Repealed)

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 or an approved animal welfare organisation 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 Dangerous and restricted dogs

28 Enclosure requirements for dangerous and restricted dogs

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

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

28A Maximum fee for issuing certificate of compliance in relation to prescribed enclosure

For the purposes of section 58H (2) (b) of the Act, the fee of \$100 is prescribed.

29 Warning signs for dangerous and restricted dogs

For the purposes of sections 51 (1) (d) and 56 (1) (c) of the Act, a sign to be displayed on the property on which a dangerous dog or restricted dog is ordinarily kept must comply with the following requirements:

- (a) the sign must be no smaller than 40 cm × 40 cm,
- (b) the sign must be made of durable materials,
- (c) the sign must show the words “Warning Dangerous Dog” in letters:
 - (i) that are of sufficient size so as to be clearly visible from the boundaries of the property, and
 - (ii) that are, in any case, at least 50 mm high and 10 mm wide.

30 Distinctive collars for dangerous and restricted dogs

- (1) For the purposes of sections 51 (1) (d1) and 56 (1) (c1) of the Act, a collar is of the prescribed kind if:
 - (a) it consists of red stripes alternatively spaced with yellow stripes each being a width of 25 mm and set diagonal to the rim of the collar at an angle of 45 degrees, and
 - (b) at least one of the 2 colours reflects light in the dark, and
 - (c) it is made of durable materials, and
 - (d) it is able to be securely fastened, and
 - (e) it has a device or other facility that enables it to be attached to a leash, and
 - (f) it has a minimum width of:
 - (i) 25 mm for a dog weighing less than 20 kg, or
 - (ii) 40 mm for a dog weighing between 20 kg and 40 kg, or
 - (iii) 50 mm for a dog weighing more than 40 kg.
- (2) A dog must not wear any such collar unless the dog is a dangerous 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.

30A (Repealed)

31 Breed identification or registration certificates issued by Canine Council

Any breed identification certificate or breed registration certificate issued by the Royal NSW Canine Council Ltd (whether before or after the commencement of this clause) 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 allocated to the microchip that has been implanted in the dog in connection with its identification under this Regulation.

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 69G, 69H 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).

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

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

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 (Repealed)

34A Listing of identification or registration information on databases

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

35 Penalty notice offences

(1) 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 2 of Schedule 1.

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

36 (Repealed)

37 Notices

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

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.

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

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

Note—

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

Schedule 1 Penalty notice offences

(Clause 35)

Column 1

Column 2

Provision	Penalty
Offence under the Act	
Section 8 (3)	\$1,320 (in the case of a dangerous or restricted dog) or \$165 (in any other case)
Section 8 (4)	\$1,320 (in the case of a dangerous or restricted dog) or \$165 (in any other case)
Section 9 (1)	\$1,320 (in the case of a dangerous or restricted dog) or \$165 (in any other case)
Section 10	\$1,320 (in the case of a dangerous or restricted dog) or \$165 (in any other case)
Section 10A	\$550 (in the case of a dangerous or restricted dog) or \$165 (in any other case)
Section 10B (2)	\$550 (in the case of a dangerous or restricted dog) or \$165 (in any other case)
Section 11 (1) (but only in relation to the matters referred to in section 11 (1) (a), (b) or (d1))	\$1,320 (in the case of a dangerous or restricted dog) or \$165 (in any other case)
Section 11 (4)	\$165
Section 12 (2)	\$1,320 (in the case of a dangerous or restricted dog) or \$165 (in any other case)
Section 12A (1)	\$220
Section 13 (2)	\$1,760 (in the case of a dangerous or restricted dog) or \$220 (in any other case)
Section 14 (2)	\$1,760 (in the case of a dangerous or restricted dog) or \$330 (in any other case)
Section 15 (2)	\$165
Section 16 (1) (but only in the case of a dog that is not a dangerous or restricted dog)	\$550
Section 20 (1)	\$275
Section 21 (5)	\$275
Section 29 (3)	\$110
Section 30 (2)	\$110
Section 31 (5)	\$165
Section 36 (1)	\$1,320
Section 51 (2)	\$1,320
Section 52A (1)	\$1,320

Section 52B (1)	\$1,320
Section 56 (2)	\$1,320
Section 57A (1)	\$1,320
Section 57B (1)	\$1,320
Section 57C	\$1,320
Section 58B (1)	\$1,320
Section 60 (1)	\$165
Section 61 (1)	\$165
Section 62 (1)	\$550
Section 69G (2)	\$275
Section 69H	\$165
Section 71 (4)	\$165
Section 76 (1)	\$165
Offence under this Regulation	
Clause 7 (1)	\$275
Clause 7 (2)	\$165
Clause 30 (3)	\$220