

Key changes on and from 1 July 2018

Companion Animals Act 1998

What has changed?	Act reference/s
The maximum penalty for each offence relating to companion animals increased from 8 penalty units to 15 penalty units.	Sections 60-61

Key changes on and from 31 August 2018

Companion Animals Act 1998

- The *Companion Animals Act* will be amended by the *Companion Animals and Other Legislation Amendment Act 2018* (the Amendment Act).
- Only some sections of the Amendment Act commenced on 31 August 2018.
- Key changes that occurred on 31 August are set out below.

What has change?	Act reference/s
The maximum penalty for certain offences have increased, including for failing to register an animal when required	Sections 9-10B
The ability to make a regulation in future to specify what constitutes or does not constitute 'reasonable precautions' to prevent a dog escaping	Section 12A
A new definition of the term 'serious injury' <i>Note: Councils should no longer follow the Exercise of Functions Guidelines about what constitutes 'serious injury'</i>	Section 33A
The 'Perro de Presa Canario' (Canary Mastiff) is named as a restricted dog on the face of the legislation <i>Note: previously given effect via s.55(1)(d1) reference to the Customs Act 1901(Commonwealth)</i>	Section 55
Former sections 74 and 75 have been replaced with New Part 9, which provides for the Register of Companion Animals, including to: <ul style="list-style-type: none"> • add further information as 'Registration Information' to be entered on the Register, where available • entitle the public to access certain information on the Register, via a future online 'look up' function • entitle certain additional persons and agencies to have access to the Register for certain purposes • enabling councils to manage access to the Register for certain employees and contractors operating their pounds, consistent with guidelines • enable vet nurses and similar employees of vets to access the Register to locate an animal's owner • enable the Chief Executive, OLG to issue compulsory guidelines about Register access, and • enable future arrangements to facilitate exchange of information with corresponding agencies of other States and Territories and the Commonwealth. 	Part 9

Replacing current processes for clause 16(d) organisations with new 'rehoming organisations'. In part, this means that councils and any other operators of council pounds will be 'rehoming organisations' and existing clause 16(d) organisations are deemed to be 'rehoming organisations'	Section 5 and section 88B
Alters section 89(4)(b) regarding confidential information	Section 89

Companion Animals Regulation 2018

- The *Companion Animals Regulation 2008* has been repealed and replaced by the *Companion Animals Regulation 2018*.
- **This effectively means that there has been significant renumbering and relocation of clauses (see further below).** There has also been changes to the titles of certain clauses and wording to reflect modern drafting practice.
- The new Regulation commenced on 31 August 2018 except for the provisions concerning annual permits for certain companion animals in Part 4 of the Regulation (clauses 26-28).
- Key differences are set out in the table below to assist councils.

What is different?	New Regulation reference/s
Omission of some definitions that are either not required or now in the <i>Companion Animals Act 1998</i>	Clause 3
Identification information for companion animals now: <ul style="list-style-type: none"> • includes the number of the microchip implanted in the female parent of the animal, if known to the animal's owner, and • refers to 'sex' rather than 'gender' for accuracy 	Clause 8
Registration fees increased on the face of the Regulation to reflect current amounts in the current Companion Animals (Adjustable Fee Amount) Notice	Clause 18
Provision for a late fee of \$15 to be charged if a registration fee has not been paid after 28 days	Clause 18
Eligibility for access to a 50% discount on the registration fee of de-sexed animals extended to animals sold by rehoming organisations (e.g. cl.16(d) groups)	Clause 18
Register information for an animal should include the number of the microchip implanted in the female parent of the animal, if known to the animal's owner	Clause 29
Access to the Register is extended for certain purposes to greyhound racing inspectors, NSW Police, the Commissioner of Fines Administration (or a person authorised by the Commissioner) and the Chief Executive of the Office of Environment and Heritage (or a person authorised by the Chief Executive)	Clause 30
The maximum penalty notice amount that may be imposed for certain offences has increased.	Schedule 2

Changes to clause numbering and order

Note: This does not capture changes to content or numbering within clauses

Companion Animals Regulation 2018	Companion Animals Regulation 2008
Part 1	Part 1
Clauses 1-3	Clauses 1-3
Part 2	Part 2
Clauses 4-11	Clauses 4-11
Clause 12	Clause 12
Part 3	Part 3
Clause 13	Clause 13
Clause 14	Clause 13A
Clause 15	Clause 14
Clause 16	Clause 15
Clause 17	Clause 16
Clause 18	Clause 17
Clause 19	Clause 17A
Clause 20	Clause 18
Clause 21	Clause 19
Clause 22	Clause 20
Clause 23	Clause 21
Clause 24	Clause 22
Clause 25	Clause 23
Part 4	<i>N/A – new Part – commences 1/7/19</i>
Clause 26	<i>As above</i>
Clause 27	<i>As above</i>
Clause 28	<i>As above</i>
Part 5	Part 3A
<i>N/A – now covered by the Act</i>	Clause 23A
<i>N/A – now covered by the Act</i>	Clause 23B
<i>N/A – now covered by the Act</i>	Clause 23 C
Clause 29	<i>New – read in conjunction with Act</i>
Clause 30	<i>New – read in conjunction with Act</i>
Clause 31	Clause 33A
Part 6	Part 4
Clause 32	Clause 24
<i>See clause 36 below</i>	<i>Clause 25</i>
Clause 33	Clause 26
Clause 34	Clause 27
Clause 35	Clause 28
Clause 36	Clause 25
Part 7	Part 5
Clause 37	Clause 29
Clause 38	Clause 30
Clause 39	Clause 31
Clause 40	Clause 32
Clause 41	Clause 33
<i>See Clause 31 above</i>	<i>Clause 33A</i>
Clause 42	Clause 33B
<i>N/A – now part of Schedule 1</i>	Clause 34
Clause 43	Clause 35
Clause 44	Clause 36
Schedules 1-2	Schedules 1-2