



New South Wales

Companion Animals Regulation 2018

under the

Companion Animals Act 1998

[The following enacting formula will be included if this Regulation is made:]

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Companion Animals Act 1998*.

Minister for Local Government

Explanatory note

The object of this Regulation is to repeal and replace, with amendments, the *Companion Animals Regulation 2008*, which will otherwise be repealed on 1 September 2018 by section 10 (2) of the *Subordinate Legislation Act 1989*.

This Regulation provides for the following matters:

- (a) the permanent identification of companion animals,
- (b) the registration of companion animals,
- (c) the Register of Companion Animals,
- (d) the regulation of dangerous or restricted dogs,
- (e) the adjustment of fees,
- (f) various miscellaneous matters, such as penalty notice offences.

The Regulation makes minor changes to the repealed regulation, including to reflect prior adjustments to fees and to adjust penalty notice amounts.

Schedule 3 to this Regulation amends provisions of this Regulation that refer to greyhounds. Those amendments are consequential on the enactment of the *Greyhound Racing Act 2017*.

This Regulation is made under the *Companion Animals Act 1998*, including sections 5 (1) (definitions of **identification information** and **registration information**), 6 (2), 8, 9, 10, 11, 15 (3), 51 (1) (c), (d) and (d1), 56 (1) (a1), (c) and (c1), 58C (3), 58H (2) (b), 70, 89 (4) (d), 92 and 96 (the general regulation-making power).

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Companion Animals Regulation 2018

under the

Companion Animals Act 1998

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Companion Animals Regulation 2018*.

2 Commencement

- (1) Except as provided by subclause (2), this Regulation commences on [insert date] and is required to be published on the NSW legislation website.

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 This Regulation repeals and replaces the *Companion Animals Regulation 2008*, which would otherwise be repealed on 1 September 2018 by section 10 (2) of the *Subordinate Legislation Act 1989*.

- (2) Schedule 3 commences on the date of commencement of section 42 of the *Greyhound Racing Act 2017*, or [insert date], whichever is later.

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.

authorised identifier number, in respect of an authorised identifier accredited under Part 2, means the accreditation number allocated to the identifier in connection with his or her accreditation.

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

microchip means a subcutaneous full duplex electronic radio transponder.

recognised breeder means a person who is a member of:

- (a) Royal New South Wales Canine Council Limited (trading as Dogs New South Wales), or
(b) NSW Cat Fanciers' Association Inc., or
(c) Australian National Cats Inc., or
(d) any other body approved by the Departmental Chief Executive for the purposes of this definition by order published in the Gazette.

registration agent means:

- (a) a council, or
(b) a person appointed under clause 13 (2).

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Companion Animals Regulation 2018 [NSW]
Part 1 Preliminary

the Act means the *Companion Animals Act 1998*.

the RSPCA means the Royal Society for the Prevention of Cruelty to Animals, New South Wales.

Note. The Act defines **desexed** to mean rendered permanently incapable of reproduction.

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 (other than greyhounds registered in accordance with the rules made in relation to greyhound racing under the *Greyhound Racing Act 2009*) 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,
 - (e) **category 5 companion animals**, being greyhounds identified on a voluntary basis by the implantation of a microchip that are, or have been, registered in accordance with the rules made in relation to greyhound racing under the *Greyhound Racing Act 2009*.

Note. A greyhound registered in accordance with the rules made in relation to greyhound racing under the *Greyhound Racing Act 2009* is exempt from the identification and registration requirements under the Act—see clauses 12 (1) and 17 (1) (e).
- (2) A category 3, category 4 or category 5 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 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 subclause (1), **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 allocated to it a unique identification number, and
 - (c) functions properly.

5 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 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 notwithstanding the withdrawal.

6 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 that the person is authorised to identify category 1 or category 2 companion animals unless the person is an authorised identifier under this Regulation.

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 as shown on the supporting documentation applicable to it as the unique identification number allocated to the microchip,
- (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 subclause (2) 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 by authorised identifiers 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) A council must comply with any guidelines issued by the Departmental Chief Executive under subclause (2) that apply to the 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 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 carried out, or supervised, the implantation of the

microchip and, if the authorised identifier is accredited, their authorised identifier number,

- (c) the date on which the animal was identified,
- (d) the full name and phone 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 gender,
- (j) the animal's colour and details of any unusual or identifying marks on the 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 subclause (1) 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 subclause (1) 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 exempted from section 9 of the Act by a provision of this Regulation other than clause 17 (1) (d).
- (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 a notice under subclause (4) is served, 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:

- (a) using the form of application approved by the Departmental Chief Executive, or
- (b) in any other manner approved 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, a corporation or a body corporate or politic.

17 Exemptions from registration requirement

- (1) The following companion animals are exempt from section 9 of the Act:
 - (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 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 council (including in a council pound), the Animal Welfare League NSW, The Cat Protection Society of NSW Inc. or RSPCA,
 - (d) an animal in the custody of an organisation approved by the Departmental Chief Executive, for the purposes of this clause, by order published in the Gazette,
 - (e) a greyhound registered in accordance with the rules made in relation to greyhound racing under the *Greyhound Racing Act 2009*,
 - (f) a dog that is ordinarily used by a police officer on official duty,
 - (g) a dog that is ordinarily used on official duty by a correctional officer (within the meaning of the *Crimes (Administration of Sentences) Act 1999*),
 - (h) a dog used by a Commonwealth officer on official duty,
 - (i) 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,
 - (j) 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,
 - (k) 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,
 - (l) 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 required to be paid in connection with the registration of a companion animal by the time the animal reaches the age of 6 months:
- (a) a registration fee of \$55 (except in the case of a companion animal referred to in paragraph (b) or (c)),
 - (b) a registration fee of \$23 in the case of a desexed companion animal owned by an eligible pensioner,
 - (c) a registration fee that is 50% of the fee referred to in paragraph (a) (as adjusted under this clause) in the case of a desexed companion animal sold by an eligible pound or shelter operator,
 - (d) in addition to the registration fee under paragraph (a)—a registration fee of \$146 in the case of a companion animal (other than a companion animal kept by a recognised breeder for breeding purposes) that has not been desexed as at the relevant desexing age.
- Note.** The amounts under paragraphs (a), (b) and (d) are adjusted annually under subclause (6) and Schedule 2. For the adjusted fee amounts for the financial year in which the fee concerned is required to be paid, see the *Companion Animals (Adjustable Fee Amounts) Notice*.
- (2) The **relevant desexing age** for a companion animal is:
- (a) 6 months in the case of a dog, or
 - (b) 4 months in the case of a cat.

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- (3) If a veterinary practitioner has, before a companion animal reaches the relevant desexing age, specified in writing:
- (a) that the animal should not be desexed until it reaches the age specified by the veterinary practitioner, or
 - (b) that desexing the animal at any time of its life would constitute a serious health risk to the animal,
- the owner of the animal is exempt from payment of the additional registration fee under subclause (1) (d). In the case of an animal referred to in paragraph (a) of this subclause, the exemption applies only until such time as the animal reaches the specified age.
- (4) There is an exemption from payment of a registration fee under this clause for the registration of the following:
- (a) any animal that is in the service of a public authority,
 - (b) a working dog.
- Note.** A working dog is defined in the Act as a dog used primarily for the purpose of droving, tending, working or protecting stock (or a dog being trained as a working dog). If the dog is declared to be a dangerous dog, it ceases to be a working dog while the declaration is in force.
- (5) The Departmental Chief Executive may require the owner of a companion animal to provide proof, in the manner determined by the Departmental Chief Executive, of any of the matters referred to in subclause (1), (3) or (4) that the owner claims to be applicable to or in respect of the animal.
- (6) The amounts referred to in subclause (1) (a), (b) and (d) are adjustable fee amounts that are to be adjusted for inflation as provided by Schedule 2.
- (7) In this clause:
- eligible pensioner** means:
- (a) a person who is a member of a class of persons prescribed by the regulations under the *Local Government Act 1993* for the purposes of the definition of **eligible pensioner** in that Act, or
 - (b) if no such class of persons is prescribed, a person who is the holder of a card issued by the Commonwealth and known as the Pensioner Concession Card, being a card that is in force.
- eligible pound or shelter operator** means any of the following:
- (a) a council (including a council pound),
 - (b) the Animal Welfare League NSW,
 - (c) the RSPCA,
 - (d) the Cat Protection Society of NSW Inc,
 - (e) an organisation approved by the Chief Executive for the purposes of clause 17 (d).

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 Permanent identification a pre-condition to registration

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 or 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 20 (4) at any time but subsequently reinstated—the date the reinstatement of the registration took effect.

23 Exemption 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 payment is tendered of any registration fee payable for registration of the animal 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 (Procedure for issuing nuisance cat order) or 32A (Nuisance dogs) 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 (Penalty notices) 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 in 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 The Register

26 Online access to Register

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

27 Register to include details of previous owners

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

28 Persons who may access Register

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

Part 5 Dangerous, menacing and restricted dogs

29 Enclosure requirements for dangerous or 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 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 or 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 31.
- (4) Mesh used in the construction of an enclosure must be:
 - (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.

30 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 \$150 is prescribed.

31 Warning signs for dangerous, menacing or restricted dogs

- (1) For the purposes of sections 51 (1) (d) and 56 (1) (c) of the Act, a sign or signs complying with subclause (2) must 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.

- (2) Each such 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.

32 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 is of the prescribed kind if:
- (a) it consists 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
 - (b) all of the stripes of at least 1 of the 2 colours are sufficiently reflective so as to be visible in low light, 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 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.

33 Breed identification or registration certificates issued by Canine Council

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 allocated to the microchip that has been implanted in the dog in connection with its identification under this Regulation.

Part 6 General

34 Local authority for certain places

- (1) Pursuant to section 6 (2) of the Act, the functions of the local authority for any of the following places specified below are, for the purposes of the provisions of the Act specified in subclause (2), to be exercised by the person specified below in relation to that place:
 - (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 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, in its application in respect of the provisions referred to in paragraphs (a) and (b).

Note. For a place specified in subclause (1), the relevant local authority functions are to be exercised by the person specified in respect of that place (instead of by the council of the area in which the place is located).

35 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 in the approved form, 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, category 4 or category 5 companion animal if the identification information for the animal has not been entered on the Register.

36 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.

37 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.

38 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.

39 Dog attack information on the Register

- (1) 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 74 (4) 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 74 (4) 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.

40 Exemption from muzzling for certain greyhounds

- (1) 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 has successfully completed an approved greyhound re-training program, and
 - (b) the greyhound wears an approved collar when it is in a public place.
- (2) The exemption does not apply to a greyhound that is a dangerous dog, a menacing dog or a restricted dog.
- (3) 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.

Note. A greyhound that has been granted an exemption under this clause must continue to comply with all other relevant requirements of the Act and this Regulation. For example, a greyhound that is in a public place must be under the effective control of some competent person by means of an adequate chain, cord or leash that is attached to it and that is being held by (or secured to) the person: see section 13 of the Act.

41 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.

42 Repeal and savings

- (1) The *Companion Animals Regulation 2008* is repealed.
- (2) Any act, matter or thing that had effect immediately before the repeal of the *Companion Animals Regulation 2008* 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)	\$1,320 (in the case of a dangerous, menacing or restricted dog) or \$180 (in any other case)
Section 8 (4)	\$1,320 (in the case of a dangerous, menacing or restricted dog) or \$180 (in any other case)
Section 9 (1)	\$1,320 (in the case of a dangerous, menacing or restricted dog) or \$330 (in any other case)
Section 10	\$1,320 (in the case of a dangerous, menacing or restricted dog) or \$305 (in any other case)
Section 10B (2)	\$1,320 (in the case of a dangerous, menacing or restricted dog) or \$305 (in any other case)
Section 11 (1) (but only in relation to the matters referred to in section 11 (1) (a), (b), (c) or (d1))	\$1,320 (in the case of a dangerous, menacing or restricted dog) or \$180 (in any other case)
Section 12 (2)	\$1,320 (in the case of a dangerous, menacing or restricted dog) or \$180 (in any other case)
Section 12A (1)	\$220
Section 13 (2)	\$1,760 (in the case of a dangerous, menacing or restricted dog) or \$330 (in any other case)
Section 14 (2)	\$1,760 (in the case of a dangerous, menacing or restricted dog) or \$330 (in any other case)
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

public consultation draft

Companion Animals Regulation 2018 [NSW]
Schedule 1 Penalty notice offences

Column 1	Column 2
Provision	Penalty
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)	\$180
Section 61 (1)	\$180
Section 62 (1)	\$660
Section 69G (2)	\$330
Section 76 (1)	\$330
Offences under this Regulation	
Clause 6 (1)	\$330
Clause 6 (2)	\$180
Clause 32 (3)	\$220
Clause 36 (1)	\$180

Schedule 2 Adjustment for inflation of certain fees

(Clause 18 (6))

1 Definitions

In this Schedule:

adjustable fee amount means a fee amount prescribed under clause 18 (1) 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) Before the start of each financial year after the first year of the operation of this clause, 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.

3 Rounding of adjustments

If the determination of an adjustable fee amount for a financial year under this Schedule results in an amount that is not a whole number multiple of \$1, the amount calculated is to be rounded up to the nearest whole number multiple of \$1 and that amount as so rounded is the adjustable fee amount for that year.

Schedule 3 Amendment of this Regulation as a consequence of enactment of Greyhound Racing Act 2017

[1] Clause 4 Categories of identified companion animals

Omit “(other than greyhounds registered in accordance with the rules made in relation to greyhound racing under the *Greyhound Racing Act 2009*)” from clause 4 (1) (b).

[2] Clause 4 (1)

Omit clause 4 (1) (e) and the note to the subclause.

[3] Clauses 4 (2) and 35 (4)

Omit “, category 4 or category 5” wherever occurring. Insert instead “or category 4”.

[4] Clause 12 Exemptions from identification requirement

Insert “by that section or” after “the Act” where secondly occurring in clause 12 (1).

[5] Clause 17 Exemptions from registration requirement

Omit clause 17 (1) (e).

[6] Clause 40 Muzzling requirements

Omit clause 40 (1). Insert instead:

(1) Greyhounds are prescribed as a breed of dog to which section 15 of the Act applies.

(1A) 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 has successfully completed an approved greyhound re-training program, and

(b) the greyhound wears an approved collar when it is in a public place.

[7] Clause 40, note

Omit the note.