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| Circular Details | 20-27 / 1 July 2020/ A708906 |
| Previous Circular | <i>Not applicable</i> |
| Who should read this | General Managers / Companion Animals Compliance and Enforcement Officers / Pounds / Customer Service Officers |
| Contact | Policy Team / 02 4428 4100 / olg@olg.nsw.gov.au |
| Action required | For Information |

Amendments to the *Companion Animals Regulation 2018*

What's new or changing

- The NSW Government is introducing annual permits for non-desexed cats and restricted and dangerous dogs as part of its commitment to promoting responsible pet ownership and improving animal welfare standards.
- From 1 July 2020 cat and dog lifetime registration fees increased in line with the Consumer Price Index (CPI).
- The *Companion Animals Regulation 2018* (the Regulation) has been amended to clarify certain aspects of these changes.
- Further changes to the Regulation also came into effect from 1 July 2020 as indicated below.

What this will mean for your council

- Annual permit requirements for dangerous and restricted dogs and for cats not desexed by four months of age commenced on 1 July 2020. Transitional arrangements provide pet owners with additional time to comply.
- The new lifetime registration fees are listed in the attached summary of amendments. This includes changes to registration categories as well as to the registration fees that apply from 1 July 2020.
- Councils should update their systems to accommodate the new registration, annual permit and penalty fees and categories.

Key points

- Changes to the Regulation, which are set out in more detail in the attachment, include:
 1. a 21-day transition period within which pet owners can comply with new annual permit requirements after 1 July 2020
 2. an annual permit exemption for recognised breeders for cats kept for breeding purposes
 3. a definition of "recognised breeder" for annual permit purposes
 4. an annual permit exemption for cats that cannot be de-sexed, either temporarily or permanently, until they can be de-sexed, where a vet has certified that in writing before the cat is four months of age
 5. abolishing the additional fee payable when registering a dog de-sexed after the age of six months if the dog was adopted from a rehoming organisation

6. enabling notices for the seizure or surrender of animals to be served by email where an email address was provided upon registration
 7. changing the registration fee category for cats so that the additional registration fee for cats not de-sexed by the age of four months is removed, to reflect the introduction of annual permits
 8. reducing registration fees for all cats by \$10 from 1 July 2020
 9. prescribing fees payable for the 2020-21 year, and
 10. creating new penalty notices for offences that relate to annual permits.
- The Companion Animals Register and NSW Pet Registry have been modified to allow councils to apply the new lifetime registration fees from 1 July 2020 and to incorporate the other changes to the Regulation.
 - Both the old and new registration fee structures will be maintained on the Companion Animals Register to allow councils to correct registration details for existing records and catch up on data entry backlogs (i.e. where fees have been receipted before 1 July 2020 but not entered on the Register).
 - The current R2 – Lifetime Registration form can continue to be used.

Where to go for further information

- Further information about annual permits is available on the Annual Permits page of OLG's website at <https://www.olg.nsw.gov.au/councils/responsible-pet-ownership/nsw-pet-registry/annual-permits/>.
- While the Pet Registry and Companion Animals Register are temporarily unavailable to allow urgent maintenance and upgrading work, councils should process any applications by way of paper forms and hold on to these forms until further notice. Further advice on processing of companion animal matters will be issued shortly.
- Further information will also be provided directly to councils and other registration agents about registration and annual permit processes.



Tim Hurst
Deputy Secretary
Local Government, Planning and Policy

Circular Attachment

Summary of amendments to the *Companion Animals Regulation 2018* (the Regulation)

1) Annual permits transition period for compliance and enforcement

From 1 July 2020 owners of:

- cats not desexed by four months of age will be required to pay an \$80 annual permit in addition to their one-off lifetime pet registration fee, and
- dogs of a restricted breed or declared to be dangerous will be required to pay a \$195 annual permit in addition to a one-off lifetime pet registration fee.

The amendment provides for a 21-day transition period to provide affected pet owners with additional time to update their animal's records and pay for an annual permit.

The transition period will also assist local councils, rehoming organisations and the Office of Local Government to manage requests for support and advice as the new annual permit requirements are introduced.

2) Exemption for recognised breeders from needing annual permits for cats

Members of recognised breeder organisations are currently exempt from paying higher registration fees for a cat or dog that has not been desexed by the relevant desexing age, if the animal is kept for breeding purposes.

The amendment provides for a similar exemption to apply to the annual permit requirement for cats kept for breeding purposes by recognised breeders.

3) Definition of 'recognised breeder' for annual permits purposes

The *Companion Animals Act 1998* (Act) contains a definition for "recognised breeders organisation" for the purposes of issuing a Breeder Identification Number.

To provide for an exemption from holding an annual permit, this amendment includes the addition of a similar definition of 'recognised breeder' under clause 3(1) of the Regulation:

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

4) Excluding cats that cannot be desexed, either temporarily or permanently, from permit requirements

The Regulation provides for an exemption to the requirement to pay the annual permit fee for a cat if a vet has specified in writing, before the cat reaches four months of age, that the cat should not be desexed:

- until it reaches an age specified (a temporary exemption), or
- that desexing the cat at any time of its life would constitute a serious health risk to the cat (a permanent exemption).

5) Abolishing the additional fee payable when registering dogs desexed after the age of six months if the dog was adopted from a rehoming organisation

The Regulation provides for a 50 per cent discount on registration fees for desexed animals sold by rehoming organisations. Many dogs sold by rehoming organisations are not desexed until they come into the custody of the organisation and are often older than the relevant desexing age.

This amendment provides for an exemption to the requirement to pay the additional registration fee for desexed animals, including those desexed after the relevant desexing age, when sold by a rehoming organisation.

6) Enabling notices for the seizure or surrender of animals to be served by email where an email address was provided upon registration

Where an animal is seized or surrendered, sections 63(1) and 63(1A) of the Act require that a notice of the fact be given to the owner of the animal. This amendment enables notices, required by section 63 of the Act, to be served by email to the owner's email address specified in the Companion Animals Register.

7) Changing the registration fee category for cats so that the additional registration fee for cats not de-sexed by the age of four months is removed, to reflect the introduction of annual permits

The annual permit requirements for non-desexed cats, commencing on 1 July 2020, replace the one-off additional fee requirement for cats that are not de-sexed by the age of four months (entire cats).

This amendment removes the additional registration fee for entire cats. The additional registration fee will only continue to apply to dogs not desexed by six months of age.

8) Reducing registration fees for all cats by \$10 from 1 July 2020

In 2018 the Government committed to making a one-off \$10 reduction in lifetime registration fees for cats, reducing the cost of registration for owners who do the right thing and desex their cats, to coincide with the introduction of annual permits.

The Regulation has been amended to specify that the registration fee for cats is to be \$10 less than the registration fee for dogs that are de-sexed. In future, this registration fee for cats will be applied following the annual adjustment for inflation, which will keep it consistent in subsequent years at \$10 less for cats.

9) Prescribing fees payable for the 2020-21 year

Registration related fees prescribed in the Regulation are to be adjusted annually for inflation before the commencement of each financial year. A formula is prescribed for this purpose.

The adjusted fees are usually notified annually by way of a notice made under the Regulation. However, as the Regulation has been amended at the same time, the fees for the 2020-21 financial year have been prescribed in the Regulation itself to reduce any confusion.

The 2020-21 registration categories and corresponding fee amounts from 1 July 2020 are as follows:

| Registration Category | Fee Amount |
|--|------------|
| Dog – Desexed (by relevant age) | \$60 |
| Dog – Desexed (by relevant age eligible pensioner) | \$26 |
| Dog – Desexed (sold by pound/shelter) | \$30 |
| Dog – Not Desexed or Desexed (after relevant age) | \$216 |
| Dog – Not Desexed (not recommended) | \$60 |
| Dog – Not Desexed (recognised breeder) | \$60 |
| Dog – Working | \$0 |
| Dog – Service of the State | \$0 |
| Assistance Animal | \$0 |
| Cat – Desexed or Not Desexed | \$50 |
| Cat – Eligible Pensioner | \$26 |
| Cat – Desexed (sold by pound/shelter) | \$25 |
| Cat – Not Desexed (not recommended) | \$50 |
| Cat – Not Desexed (recognised breeder) | \$50 |

10) Creating new penalty notices for offences that relate to annual permits

A number of offences for annual permits have been established and penalties can be applied by a court for failure to comply.

To enable council rangers and other authorised officers to issue penalty notices (on the spot fines), these offences are set out in Schedule 2 of the Regulation together with the maximum penalty notice that may be issued, as below:

| Section | Offence and penalty | Penalty amount | notice |
|---------|---|----------------|--------|
| 11B | Requires cats over the age of 4 months to have an annual permit from 6 months of age unless that cat is de-sexed (with exceptions). It is an offence if a permit is not in force. Maximum penalty of 50 penalty units (\$5,500). | \$400 | |

| Section | Offence and penalty | Penalty amount notice |
|------------------------------|--|--------------------------------|
| 11C | <p>Requires dangerous dogs to have an annual permit from 7 days from the declaration date if declared after 6 months of age. It is an offence if a permit is not in force.</p> <p>Maximum penalty of 60 penalty units (\$6,600).</p> <p>Note: two permits are required if a dog is restricted and dangerous.</p> | \$700 |
| 11D | <p>Requires restricted dogs to have an annual permit from 6 months old. If a dog is of a breed that is restricted in future, the permit is due 21 days after the breed is listed as restricted. It is an offence if a permit is not in force.</p> <p>Maximum penalty of 60 penalty units (\$6,600).</p> <p>Note: two permits are required if a dog is restricted and dangerous.</p> | \$700 |
| 11E (2)(a), and (2)(b) | <p>Enables councils to issue a notice that requires a pet owner to apply for a permit within 14 days. It is an offence if a notice is not complied with.</p> <p>(a) Maximum penalty of 50 penalty units (\$5,500) in relation to a cat, or</p> <p>(b) Maximum penalty of 60 penalty units (\$6,600) in relation to a dog.</p> <p>Note: Under section 377 of the <i>Local Government Act 1993</i>, the governing body of council may choose to delegate this power. These notes may be given more than once to a pet owner, but only every three months at most.</p> | For (a) \$400 For (b) \$700 |
| 11K | <p>Conditions may be imposed on the holder of the permit. It is a \$220 offence to not comply with any conditions.</p> <p>Maximum penalty of 20 penalty units (\$2,200)</p> | \$220 |