

# Office of Local Government webinar

## ANNUAL PERMITS

Friday 7 August, 11AM – 12PM

## SUMMARY OF QUESTIONS AND ANSWERS

### **1. How will annual permits be enforced? Permits will create an ongoing admin and regulatory load on councils. What is the expectation around Council's ensuring compliance e.g. are we expected to send a reminder and only follow up if the animal comes to our attention (similar to CAR rego process)?**

Councils have primary responsibility for enforcing the new annual permit requirements consistent with their other companion animal management practices. OLG is providing support and guidance, as well as managing the CAR and Pet Registry and undertaking state-wide education and awareness raising. OLG will not be following up pet owners or councils to enforce annual permits.

Like for registration, councils need to follow up with pet owners. Councils can generate a report from the CAR of those pet owners who have a microchipped animal and aren't yet compliant. For pet owners who are not on the Register at all, councils can follow it up just like non-compliance with identification (microchipping) and registration requirements.

In the first instance, councils only need to follow up on restricted and dangerous dogs as holding an annual permit is also now a control measure under the relevant Act sections. This should also be checked during routine dog inspections.

Council should use the CAR to identify these dogs in the area and write to owners by mail or email to advise they require a permit. Councils can issue penalty notices as well as notices to comply with its own penalty for non-compliance.

### **2. Do menacing dogs fall under the same annual permit requirements as dangerous dogs?**

Annual permits only apply to dangerous and restricted dogs. Menacing dogs are excluded from the scheme.

### **3. How will councils conduct the reporting and issuing of notices?**

Councils can use the Companion Animals Register to generate a report detailing those cats and dogs that require an annual permit that has not yet been applied for and paid, or, has expired. Councils can also generate a report detailing all cats in their LGA under 4 months of age and not yet desexed, in order to send reminders about desexing prior to 4 months to avoid an annual permit, if they so wish.

Sections 11B, C and D of the Companion Animals Act set out the offences that apply for failing to have an annual permit when it is required. There are penalties for each of these

offences and penalty notices may also be issued, with \$400 the penalty notice amount for a cat and \$700 the amount for a restricted or dangerous dog.

Section 11E of the Companion Animals Act also allows councils to issue a formal notice [in an approved form] to require the owner to obtain a permit. If the owner does not comply with the notice, he or she commits an offence. These notices can only be issued every three months, at most. The maximum penalty a court can order is 50 penalty units for a cat (\$5500) or 60 penalty units for a restricted or dangerous dog (\$6600). Of course, most councils would issue a penalty notice for this offence, which is set at \$400 for a cat or \$700 for a dog, in Schedule 1 of the Regulation.

For restricted and dangerous dogs, having an annual permit is also now part of the control requirements set out in sections 51 (dangerous dogs) and 56 (restricted dogs). Councils could therefore choose to use the powers set out in the Act for failure to meet a control requirement if annual permits are not in place.

#### **4. Were all the rescue places notified of changes?**

Rehoming and animal welfare organisations were consulted throughout the process of developing the annual permits scheme. In the lead up to 1 July, OLG worked hard to keep all stakeholders informed about the introduction of annual permits and other regulatory changes that came into effect, also from 1 July. Notwithstanding, we do acknowledge there's work to be done and we continue to look for opportunities that are achievable within our limited budget to broadly communicate the changes.

As councils regularly work with these organisations, we would certainly appreciate if you could share information you receive from OLG with them, as well as pounds, shelters and local volunteer organisations. There are a range of promotional resources available on the OLG website for this purpose. You can go to For Council > Pet Ownership > Annual Permits to find these.

#### **5. Is there any discretion council has in relation to the registration fees, annual permits and late fees?**

Councils cannot change the requirements and fees set out in the legislation. However, should they wish to waive fees for certain categories of people, then decisions to assist in these circumstances are made at the discretion of each council, and the cost of providing the concession must be met entirely by the council. Councils also have discretion in relation to any compliance and enforcement action it takes in relation to annual permits. Again, any decision made is at the discretion of council.

#### **6. Who is receiving money for new permits?**

Annual permit fees will go directly to the Companion Animals Fund which pays for companion animal management by local councils including pounds/shelters, ranger services, dog recreation areas, and education and awareness programs. The fund is also used to operate the NSW Pet Registry and carry out responsible pet ownership initiatives.

#### **7. Most desexings don't occur until at least 5/6 months of age why the age limit of 4-months on cats? Why have different fees for each cat or dog?**

In 2014 the Companion Animals Taskforce recommended that the Government reduce the desexing age for cats to four months in order to reduce accidental litters of kittens and improve their health and behaviour. For example, negative behaviours like spraying,

aggression and wandering are more likely to develop if animals reach full maturity before they are desexed. The four-month period takes into account that cats can become pregnant as young as four months of age, are at high risk of accidental pregnancy and the age at which kittens can be safely anaesthetised for desexing. The Government accepted this recommendation and, in 2016, the then *Companion Animals Regulation 2008* was amended to introduce the lower age of desexing for cats.

The ability for vets to recommend a companion animal not be desexed for up to 18 months or for life has now been expanded to include cats. If a vet sets out in writing before a cat turns 4 months old that it should not be desexed until a later date, the owner will have until that later date to get the cat desexed to avoid an annual permit. A vet can also issue a permanent exemption.

In regard to fees, the registration categories and associated fees for 2020/21 were restructured to enable the implementation of annual permits in the Companion Animals Register and NSW Pet Registry and accommodate registration fees for animals subject to a medical exemption.

#### **8. What was the rationale for no longer having a non-desexed cat registration fee?**

The decision to remove the non-desexed cat registration category was made to enable the administration of annual permits. Previously, a pet was required to be registered by 6 months of age and a 'base' registration fee was paid. If the animal was not desexed by the relevant age, an additional fee was imposed.

A decision was made to have a single rate of registration (the base fee) for cats whether or not they are desexed and then apply an annual permit if the cat is not desexed by four months. Owners are required to purchase an annual permit for their cat each year at a cost of \$80, until it has been desexed.

The Government has also made a one-off \$10 reduction to the lifetime cat registration fee from 1 July this year to encourage higher registration rates and adoption of cats from pounds and shelters.

The combined registration fee and additional fee for dogs not desexed by the relevant desexing age of 6-months continues to apply.

#### **9. Will OLG be supplying councils with a template for an annual permit notice?**

OLG will be providing councils with a template annual permit notice as set out in Section 11 E of the Act.

OLG will also be updating the model notices provided in the Exercise of Functions Guidelines for dangerous and restricted dog declarations. In the interim, councils must add the annual permit requirement to their existing notice templates, including for dangerous and restricted dog declarations, which should otherwise be based on the current model notices set out in the Exercise of Functions Guidelines.

OLG has issued new Guidelines for Registration Agents which partially replace the Exercise of Functions guidelines. These new guidelines outline the mandatory roles and responsibilities of registration agents appointed under the *Companion Animals Act 1998* and include guidance on administering annual permits. More information can be found in OLG Circular 20-26.

## **10. Does the annual fee of \$80 cease once a cat is desexed?**

If a cat is desexed after 4 months of age and then registered the owner will only be required to pay for one permit in the first year. There are no partial refunds on annual permits. However, the pet owner would not need to pay for a permit in the following year as permits are not required once a cat is desexed.

## **11. What are the minor or major changes to the Register as a result of the annual permit scheme? How can we administer and run reports?**

The first release of functionality on the CAR on 3 August 2020 included new annual permit specific modules - Issue or Renew an Annual Permit, and Annual Permit Search. The second release will include a Remove Annual Permit function. Reports currently available to users include an Annual Permit Financial Report, Annual Permit Payments Report and Annual Permit Follow up Report. The Annual Permit Follow up Report will give councils the information they need to identify and contact pet owners who are liable for an annual permit.

Apart from the ability to issue and manage annual permits, the most significant change to the CAR and the Registry is that the date of desexing is now a mandatory field. This is particularly important for cats in order to determine whether an annual permit is required.

Users can now enter desexing certificate details via the identification and registration functions. However, they are unable to update an animal's desexed status after registration or apply a 'desexing not recommended' (DNR) flag via these functions. The 'update desexed status' function, which enables users to complete these tasks, will be part of the second release.

To provide ongoing support, council users can contact OLG via email at [pets@olg.nsw.gov.au](mailto:pets@olg.nsw.gov.au) to update an animal's desexed status after registration or apply a DNR flag. Requests must include evidence that an animal is desexed or a letter from a vet recommending that an animal not be desexed. Councils should retain the original documentation.

Vets are now able to update the desexed status of any animal after it has been registered, in addition to their current ability to update the desexed status of an unregistered animal.

This function will allow vets to change the desexing status of an animal that was not desexed until after it was four months old so that the owner does not need to pay for a second year's annual permit.

Cats that cannot be desexed for medical reasons, either temporarily or permanently, are exempt from annual permits. A vet can notify a medical exemption directly on the NSW Pet Registry.

When notifying a temporary exemption on the Registry, vets are being encouraged to provide additional comments to explain the medical reason. For a permanent exemption, these comments are mandatory.

## **12. Since cats can roam under the legislation, why did OLG not consider mandatory desexing of cats and offer an amnesty period of up to 2 years to comply, with lots of education and marketing around this change as well as provide funds/grants for councils to run major desexing campaigns?**

The Government strongly encourages pet owners to desex their pets. While it is important that as many cats and dogs as possible are desexed, there are animals that are deliberately

kept for breeding purposes or cannot be desexed for medical reasons. There is also a risk that mandatory desexing will deter pet owners from identifying (microchipping) and registering their pets and from seeking veterinary care when required. The Government's view is that providing stronger incentives by requiring annual permits for cats that are not desexed will prompt many pet owners to desex their cats. Annual permits strike the right balance between promoting desexing and imposing an unnecessary regulatory burden.

**13. If a dangerous dog has moved overseas does the permit still need to be paid as the dog is still present on the Register**

Animals should never be removed from the Companion Animals Register, but they can be marked as being interstate or overseas. Section 6.2.18 of Companion Animals Guideline 1 – Registration Agents outlines that Registration Agents should not delete records if animals move to another State or Territory or overseas. These requests should be processed as a change of address and/or ownership, including by selecting 'outside Australia' in the State of residence field. OLG regularly receives requests for microchip data about animals living outside NSW.

If the person has changed their address and the dog has gone with them out of NSW, then the annual permit does not apply as the animal is no longer in NSW.

**14. What is the non-desexed cat registration fee, is it \$50 or \$206?**

The registration fee for any cat is \$50. Cat owners that choose not to desex their cats will no longer pay a higher registration fee to register their non desexed cat as this has been replaced by the annual permit. That is, a non-desexed cat that is registered after 1 July 2020 will pay a once-off registration fee of \$50 and be required to purchase an annual permit for their cat each year at a cost of \$80, until it has been desexed.

**15. What is the actual commencement date to charge for permits?**

Annual permits came into effect on 1 July 2020.

A 21-day transition period was provided to give affected pet owners additional time to update their animal's records and pay for an annual permit.

For dangerous and restricted dogs declared as at 1 July 2020, a permit was required by 22 July 2020. For unregistered, non-desexed cats turning four-months old after 1 July 2020, a permit was required by the time the animal was six-months old or 22 July 2020 (whichever period was longer).

Permits are therefore now required for all dangerous and restricted dogs, cats not registered by 1 July 2020, and cats not desexed by 4-months of age.

**16. We have people with un-desexed cats that paid for registration prior to the grace period ending, but their registration certificate is still showing an annual permit is needed. Why is this?**

Cats that were registered before 1 July 2020 are exempt from the annual permit requirement.

Following 1 July 2020, there was 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. This meant that for unregistered, undesexed cats turning four-months old after 1 July, a permit

was required by the time the animal was six-months old or 22 July (whichever period was longer).

If the cat was registered after 1 July, and was desexed after 4-months of age, then that cat is liable for a permit in the first year, or annually until the animal is desexed. This may be the situation you are describing, however I do encourage you to make contact with the Program Delivery team to talk it through.

**17. Would it be possible for the function to flag that a pet has been sold by an eligible pound/shelter to be included as part of the registration process to make it more streamlined?**

OLG can consider this for future enhancements to the CAR.

The NSW Government continues to provide half price lifetime pet registration fees for animals purchased from pounds, shelters and rehoming organisations. Since 2015, more than 46,000 pet owners have saved over \$1.2 million in reduced pet registration fees.

One of the amendments to the *Companion Animals Regulation 2018* that came into effect on 1 July removed the additional fee payable when registering a dog desexed after the age of six months if the dog was adopted from a rehoming organisation. 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 compliments the existing provision that gives pet owners a 50 per cent discount on registration fees for desexed animals sold by rehoming organisations.

**18. Are OLG able to provide brochures for cat owners and permits**

At this stage, we are not providing printed materials to councils.

However, OLG has provided councils with a suite of promotional materials which can be downloaded from our website under For Council > Pet Ownership > Annual Permits. This includes printable posters and flyers, website material and videos.

OLG would appreciate council's support in actively promoting the introduction of annual permits and the benefits to animal welfare, the community, and the environment.

**19. Have the community received information as yet regarding changes to pricing**

OLG delivered a targeted communications campaign, primarily through social media, in the lead up to the introduction of annual permits on 1 July. This activity was centred around the promotional materials we have provided on our website, which we encourage councils to adopt and share widely. We have also been communicating with vets and other key stakeholders through their existing communication channels. This work is ongoing and I acknowledge the support we have received from the RSPCA and Cat Protection Society, who helped us to create some great videos about the benefits of desexing.

Again, OLG would welcome support from councils to increase community awareness and education about annual permits and what is required of them.

**20. For a cat, are customers required to pay the permit fee at time of registration (prior to six months) if the cat has been desexed after 4 months of age**

New owners of cats that require a permit have two-months to obtain a permit and

cannot be fined during that time. The two-month grace period begins from the date the cat was transferred to the current owner by the previous owner, not the date the new owner claims it on their NSW Pet Registry profile. Therefore a pet owner could initially pay for registration and pay for a permit on Pet Registry or council at a later time within this grace period.

**21. Seeing this came into effect 1st July 2020. Can animals that were born prior to this date that get desexed after 4mths and 6mths be able to get the discounted rate.**

Any cats that were registered before 1 July are exempt from annual permits.

Cats born prior to this date that were not registered and not desexed until after 4-months are liable for an annual permit.

Dogs are liable for the additional registration fee if not desexed prior to 6-months.

**22. If these changes see an increase in surrenders/euthanasia and increase in unwanted litters and less adopting/purchasing of older dogs etc then will OLG/DPI consider re-evaluating this decision.**

OLG will continue to monitor the effectiveness of the annual permit scheme and issues arising from implementation, and we will consider any changes that are necessary as we go forward.

**23. How long do pet owners have to pay for a permit?**

People who purchase a cat that requires a permit have two-months to obtain a permit and cannot be fined by a council during that time. The two-month grace period begins from the date the cat was transferred to the current owner by the previous owner, not the date the new owner claims it on their Pet Registry profile. This is set down in Section 11B of the Act.

Importantly, an annual permit is now one of the requirements to own a declared dangerous or restricted dog.

- For dangerous dogs, a permit is required from the date that is 7 days after the declaration that the dog is declared a dangerous dog.
- For restricted dogs by assessment, a permit is required from the date that is 21 days after the declaration date.
- For restricted dogs by bred, the permit is required from the date the animal is 6 months old.

**24. Can councils exempt anyone from annual permits?**

The legislation provides for an exemption for cats that were registered before 1 July 2020, cat kept for breeding purposes by members of recognised breeding bodies, and cats that are unable to be desexed for medical reasons.

Further exemptions are set out in Section 11G of the Act for animals such as police and research dogs.

If councils receive enquiries from cat owners who were unaware of the introduction of annual permits, it is important to check whether the cat was registered before 1 July before providing any further advice about permits. These cats are exempt.

OLG has been communicating with vets about the desexing medical exemptions, including through the Australian Veterinary Association (AVA) and Veterinary Practitioners' Board (VPB). Cats that cannot be desexed for medical reasons, either temporarily or permanently, are exempt from annual permits. In these circumstances, vets must specify in writing, before the cat reaches the relevant desexing age that the cat should not be desexed either:

1. until it reaches an age specified (temporary exemption up to 18-months), or
2. that desexing the animal at any time of its life would constitute a serious health risk to the animal (desexing not recommended for life).

After an animal reaches the relevant desexing age, the owner will be required to pay the registration fee and annual permit if the animal remains undesexed and does not have an exemption from a vet.

A vet can notify a medical exemption directly on the NSW Pet Registry. This is the preferred method and they must provide comments to explain the medical reason behind their decision. For a permanent exemption, these comments are mandatory.

In either of these circumstances, pet owners may provide councils with a certificate or letter from a vet to request an update to their pet's desexing status for a medical exemption. OLG is advising vets to include in this documentation:

- a business letterhead with name and contact details
- the date the sterilisation procedure took place
- microchip number of the specific cat
- name and address of the owner (optional), and
- medical reasoning spelling out the age from which the cat may be desexed and its recorded date of birth as set out on the Registry or a statement of medical reasons why the exemption has been applied permanently.

## **25. Why did OLG reduce registration fees for cats but not for dogs?**

In part, the registration fee is being reduced for cats because a lower proportion of cats are registered than dogs –and there is a greater need to encourage people to register cats. This will support cat owners to choose to desex their cats – after these changes, they will pay even less to comply with the law by registering a cat that is de-sexed.

We hope that the reduced fee for cats will also encourage more people to adopt cats and kittens from pounds and shelters. Desexed animals purchased through pounds and shelters are entitled to a 50% discount on registration fees. As there is an overpopulation of these animals that require a home, this will help to reduce euthanasia rates in pounds and shelters.

## **26. Why are permits being required for cats rather than dogs that are not desexed?**

Cats are more likely than dogs to have unwanted litters as they can and do breed at a younger age and have more litters. We know that there are a large number of cats in NSW that are not desexed, so we now have a significant problem with over population as a result of accidental litters. Many unwanted litters of kittens are being surrendered to pounds and shelters, who are struggling to rehome them.

Many of these cats are being euthanised because they cannot be rehomed. This is unfair to these animals and to the councils and other rehoming organisations that care for them, with significant costs for communities.

A proportion of these cats also become strays, causing nuisance in communities and attacking native birds and other wildlife.

## **27. I have heard that the owners of more dogs are being required to pay the Dog – Not Desexed or Desexed (after relevant age) fee. Is this true?**

From 1 July 2020, the date of desexing is now a mandatory field and must be entered when notifying an animal is desexed in the Registry. This is particularly important for cats in order to determine whether an annual permit is required, this is why this information is now mandatory.

However, it also affects dogs that were not desexed until after 6-months of age, which is the requirement under Section 18(1)(b) of the Regulation. Previously, no date was required so some councils effectively used their discretion in these circumstances to interpret and apply the law. The introduction of annual permits has effectively closed this option; therefore councils may see an increase in frequency of this scenario. It is important to note, however, that the law has not changed in relation to when owners are expected to have de-sexed their dogs in order to benefit from discounted registration. There is an exception, of course, where a vet issues a certificate saying that additional time is required to desex a specific dog.

## **28. Do permits transfer with owners?**

If a pet owner sells or gives a cat away, the permit transfers with the animal until the permit expires. If a cat is desexed after a permit is paid for, there are no partial refunds. However, the pet owner would not need to pay for a permit in the following year.

## **29. What happens if a person owns a dog that is declared dangerous and restricted?**

If someone owns one animal that is both a restricted breed and declared dangerous, that person will be liable for two permits for that animal. The purpose of these permits is to help shift the regulatory costs of these animals on the community, through councils, back to their owners and to discourage people from keeping restricted dogs and from failing to address the behaviour of dogs declared to be dangerous.

Annual permits apply to an individual dog. Therefore a person who owns multiple dangerous or restricted dogs will need a permit for each animal.

## **30. Can you explain the recent changes to the Companion Animals Regulation?**

OLG Circular 20-27 goes into the detail of what changes came into effect on 1 July 2020. This is the Circular that advised of the registration fees for this financial year.

In summary, and excluding changes made for the purposes of annual permits:

- an exemption was prescribed for recognised breeders from needing annual permits for cats
- the Regulation now includes a definition of ‘recognised breeder’ for annual permits purposes
- the additional fee payable when registering dogs desexed after the age of six months was removed for dogs adopted from a rehoming organisation
- the Regulation now enables notices for the seizure or surrender of animals to be served by email where an email address was provided upon registration, and
- registration fees for all cats was reduced by \$10.

### **31. Are local councils responsible for sending annual permit renewals out to pet owners, or this the responsibility of pet owners?**

Ultimately, pet owners are responsible for applying for annual permits each year. However, councils are expected to take action to identify pet owners that are not complying and follow up, as they are already expected to do in relation to registration.

Councils can run reports on the CAR and chase owners to pay for permits, should they choose to take this action. There are no automated messages or letters through the CAR or Pet Registry. If a person goes to register an animal on the Pet Registry and a permit is also due, the system will prompt them to pay.

### **32. Will OLG be providing a template permit?**

OLG provided councils with a template offline permit application form in late June, which will be sufficient as a record of that owner holding a permit should councils choose to use it.

The intention is that this form be used in circumstances where a council is unable to accept applications through their online systems, or where a pet owner is unable to access council services or access the internet to make an application directly through the NSW Pet Registry. We can provide a copy of this form, in PDF format on our website.

### **33. Should annual permit payments be receipted separate to registrations?**

The CAR is set up to receipt Annual Permits and Registrations separately.

OLG will be issuing invoices and financial statement for annual permits monthly, the same way we issue registration invoices/statements. Council should check their receipts against the financial statements we send each month and complete a reconciliation.

### **34. Will working dogs and hunting dogs require an annual permit?**

Like all other dogs, working and hunting dogs will only require a permit if they are of a restricted breed, or, have been declared to be a dangerous dog by a court or council.