

**Companion Animals Act 1998
Companion Animals Regulation 2008**

**GUIDELINE FOR APPROVED PERSONS TO ACCESS
THE NSW COMPANION ANIMALS REGISTER**

Guideline 2014/01

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INDEX

1. Introduction

- 1.1 Summary of relevant legislation
- 1.2 Definitions

2. Use of information from the Register

- 2.1 Misuse of information
- 2.2 Suppressed records

3. Access to the Register

- 3.1 Legitimate access
- 3.2 Seeking access

**4. Responsibilities when accepting seized, lost or injured cats
or dogs**

- 4.1 Seized and lost animals
- 4.2 Injured stray animals
- 4.3 Recovery of costs

5 Further information

6 Attachments

- 1. Suggested questions when contacting an animal's listed
owner on the Register**
- 2. Approved Person application form**

1. Introduction

The purpose of this document is to provide guidelines and information to those persons approved by the Chief Executive, Office of Local Government to have access to information contained in the NSW Companion Animals Register (Register) for the purposes of contacting owners of cats and dogs that have been seized under the *Companion Animals Act 1998* (the Act) or for the purposes of the recovery of lost or injured cats and dogs.

Access to the Register is being provided to approved persons to streamline the process of returning seized, lost and injured cats and dogs to their owners. Animal welfare organisations are approved persons under the Act and may already have access to the Register. Veterinary Practitioners (vets) and their employees may also apply to the Office of Local Government to become an approved person. Access to the Register can be provided by the Office of Local Government to vets and their employees following receipt of an application.

1.1 Summary of relevant legislation

Under section 74 of the Act there is a Register of cats and dogs in NSW. The Chief Executive is responsible for the keeping and administration of the Register. The Chief Executive can enter into agreements and other arrangements with a person or body in respect of the exercise of functions of the Chief Executive under this Act by the person or body on behalf of the Chief Executive.

Under section 75 of the Act an authorised person is entitled to access information contained in the Register. Section 75 (7) (a1) provides that an authorised person is any person authorised by the Chief Executive to have access to information contained in the Register for the purposes of identifying animals that have been seized under this Act or for the purposes of the recovery of lost cats and dogs.

1.2 Definitions

approved animal welfare organisation means any of the following:

- (a) the Royal Society for the Prevention of Cruelty to Animals, New South Wales, or
- (b) the Animal Welfare League NSW, or
- (c) the Cat Protection Society of NSW, or
- (d) any other organisation approved by the Chief Executive by order published in the NSW Government Gazette

approved person means:

- (a) an approved animal welfare organisation, or
- (b) any person authorised by the Chief Executive under section 75(7)(a1) to have access to information contained in the Register for the purposes of identifying seized or lost animals

approved premises means any premises (other than a council pound) operated by an approved person.

authorised officer means:

- 6.1.1 an employee of a local authority authorised by the local authority for the purposes of the Act, or
- 6.1.2 a police officer

seized animal means an animal that is seized under the authority of this Act

2. USE OF INFORMATION FROM THE REGISTER

2.1 Misuse of information

2.1.1 Approved persons must be wary of requests that may appear legitimate but may be an attempt to gain a person's private information. For example, requests to provide details for a microchip number with no cat or dog present.

2.1.2 Examples of the misuse of information from the Register include, but are not limited to use:

- (a) for personal reasons (to find an old friend, monitor an ex-partner, etc)
- (b) for commercial reasons (to market products to pet owners, to update a commercial database, etc)
- (c) to supplement other data (to check real estate records, to determine the number of residents in a house, etc)
- (d) to administer and enforce other legislation
- (e) to pursue debts or check a client's details for business purposes
- (f) for the control of cats or dogs other than under the Act (to deal with cruelty cases, to identify the number of cats or dogs kept on a property)

2.1.3 Approved persons must be aware that significant penalties apply for the misuse of information on the Register. Searches may only be conducted for the purpose of finding the owner of a lost cat or dog. Misuse of this facility or information obtained is subject to a penalty up to \$2,750 (or \$11,000 for suppressed records) under the Act.

2.1.4 Under section 75(8) the Chief Executive may withdraw a person's authorisation issued under section 75(7)(a1) at any time. Before withdrawing a person's authorisation the Chief Executive must notify the person of the proposed withdrawal, give the person reasonable opportunity to make submissions in respect of the proposed withdrawal and have due regard to any such submissions. The Chief Executive must then notify the person in writing if the authorisation has been withdrawn.

2.2 Suppressed records

2.2.1 Suppressed records are records kept on the Register to which only a limited number of people will have access.

2.2.2 Suppressed records are created under section 89(3) of the Act to restrict, for privacy reasons, access to a person's private information.

2.2.3 Section 89 of the Act specifies that the reason for creating a suppressed record is that the animal owner is concerned that disclosure of their personal information could jeopardise their safety or the safety of any member of their family.

2.2.4 Only those persons specifically authorised by the Chief Executive to deal with suppressed records may access suppressed records.

2.2.5 The Office of Local Government should be contacted during business hours on (02) 4428 4100 for assistance in locating the owner of an animal with a suppressed record.

3. ACCESS TO THE REGISTER

3.1 Legitimate access

3.1.1 Information from the Register may only be accessed and used in the lawful exercise of functions under the *Companion Animals Act 1998*, or as otherwise allowed under section 89 of the Act.

3.1.2 Approved persons are provided access to the Register only for the purposes of reuniting cats and dogs with their owners.

3.1.3 Approved persons must guard against the potential for misuse of information on the Register at all times.

3.1.4 Approved persons are responsible for determining the legitimacy of the need for information from the Register. The onus is on the person accessing the information to be as certain as possible that the information will not be misused.

3.2 Seeking Access

Access for animal welfare organisations

- 3.2.1 Animal welfare organisations are approved premises under the Act. Access to the Register will be provided to animal welfare organisations identified under the Act (if not already provided) for the purpose of establishing ownership and reuniting pets with their owners.
- 3.2.2 Being an approved person under the Act does not effect any existing arrangements or agreements animal welfare organisations have with the Office of Local Government or local councils or any access they already have to the Register.
- 3.2.3 Animal welfare organisations must comply with sections 2 and 3 of these Guidelines.

Access for inter-state organisations

- 3.2.4 The Office of Local Government will consider requests from persons working for inter-state organisations where providing access to the Register will streamline the process of re-uniting lost animals with their owners. This may include inter-state local authorities and animal welfare organisations that operate in areas that adjoin NSW borders, relevant ACT government agencies, and other companion animal registers.
- 3.2.5 A person working for an organisation identified in 3.2.4 must complete and submit an application to the Office of Local Government for the purpose of becoming an approved person to gain access to the Register. This can be done by completing the approved person application form available by contacting the Office of Local Government by email at pets@dlq.nsw.gov.au.
- 3.2.6 Inter-state approved persons must comply with sections 2 and 3 of these Guidelines.

Access for other approved persons

- 3.2.7 A person, generally a vet who operates a vet clinic or hospital and their employees may apply to the Office of Local Government to become an approved person and gain access to the Register. The approved person application form must be used and is available by contacting the Office of Local Government by email at pets@dlq.nsw.gov.au. Access to the Register is provided only for the purpose of re-uniting cats and dogs with their owner.
- 3.2.8 Being an authorised identifier does not automatically entitle you to become an approved person. Applications are considered where an

applicant is working for an organisation or business that involves reuniting pets with owners.

- 3.2.9 An approved person must only use their own access code and password to access the Register and must not provide this to any other person including other employees or colleagues. All use of the Register can be traced to a person's access code and any misuse of information is the responsibility of the approved person who is provided with access to the Register. (See section 2 for more information on use of information from the Register).
- 3.2.10 An approved person will be allocated an access code and password and have level 'AP' access. This allows a search of the Register by microchip number only. The Register is a register of cats and dogs rather than owners. It is therefore inappropriate to provide a facility to search by name of an owner and this facility is not available.
- 3.2.11 Veterinary Practitioners that already have data entry access to the Register will maintain the same 'V' access code and have their access changed to level 'AP'.
- 3.2.12 Approved persons are required to contact the Office of Local Government by email at pets@dlg.nsw.gov.au when their contact details change or they no longer work at an approved premises.
- 3.2.13 An approved person must comply with these Guidelines.
- 3.2.14 Access to the Register is provided by the Office of Local Government free of charge.

Councils' responsibility

- 3.2.15 Councils will be advised by the Office of Local Government of approved premises that are operating in the council area. This is important to ensure that councils are aware of all persons in their area that are able to accept lost, stray or injured animals.
- 3.2.16 Councils are encouraged to liaise closely with approved premises in their area and consider entering an agreement to address issues such as:
- (a) procedures for notifying council of a lost animal where the owner cannot be located
 - (b) how animals will be transferred to the council's pound facility
 - (c) recording information about animals that have been delivered to approved premises and the contact details of the person that delivered the animal and the name and contact details of the person that collected the animal
 - (d) ensuring that approved persons are aware of any council policies relating to cats and dogs management

3.2.17 Councils must cooperate with approved premises in cases where the owner of an animal is unable to be identified. If an approved person is unable to identify an animal's owner they can contact council at any time within a period of up to 72 hours from accepting the animal. The approved premises must contact council when it has been held for 72 hours.

3.2.18 The animal then becomes the responsibility of the council in the area the approved premises is located. The council must accept and facilitate delivery of the animal to its owner or to council's pound facility.

4. RESPONSIBILITIES WHEN ACCEPTING SEIZED, LOST OR INJURED CATS OR DOGS

(Note-this section applies to all other approved persons)

Animals can be delivered to approved premises in three circumstances:

1. seized by a person under the authority of the *Companion Animals Act 1998*
2. found by a person
3. found and delivered to a vet due to injuries

In these circumstances only, it is legitimate for an approved person to carry out a search of the Register to identify the owner in order to return the animal to its owner.

Important

1. If the cat or dog is listed on the Register as any of the following:

- (a) dangerous dog**
- (b) restricted dog**
- (c) menacing dog**
- (d) subject of a nuisance or control order**
- (e) listed as missing, presumed 'stolen'**

the approved person MUST contact the local council to arrange the transfer of the animal to the council pound and MUST NOT contact the listed owner.

2. If ownership cannot be established or there appears to be a discrepancy regarding the ownership of an animal, the approved person MUST notify their council to arrange the transfer of the animal to the council pound.

4.1 Seized and lost cats and dogs

4.1.1 Under section 62(1) of the Act, any person (including an authorised officer) that seizes an animal under the authority of the Act (as opposed to a person that merely finds a lost or injured animal must cause the animal to be delivered as soon as possible to:

- (a) its owner
- (a) a council pound, or
- (b) any approved premises

The fixed penalty is \$550 and the maximum penalty \$3,300 for non-compliance with this provision.

4.1.2 In the case of an animal that has been seized under authority of the Act by a person who is not an authorised officer, section 62(1) is complied with if, as soon as possible after seizing the animal, the person arranges with an authorised officer for the animal to be delivered to its owner, a council pound or shelter, or approved premises (section 62(2)).

4.1.3 Under section 63A of the Act, if a seized animal is not claimed by or on behalf of the owner during the 72 hours following the delivery of the animal to approved premises, the person in charge of the premises must contact the council to arrange delivery of the animal to the council pound. The council must accept and facilitate delivery of the animal to its owner or to council's pound facility.

4.1.4 When a seized or lost animal is delivered to an approved premises, the person in charge must use their best endeavours to establish whom the owner of the animal is, and return the animal to that person. For this purpose, approved persons operating approved premises (within the meaning of section 62A of the Act) may access information on the Register, or other private registers or examine any identification on the dog.

4.1.5 If an approved person establishes whom the owner of the seized or lost animal is, information about the owner must NOT be given to any other person, other than an authorised officer.

4.1.6 The approved person may act as an intermediary between the person holding the animal and the owner of the animal unless the owner expressly consents to his or her information being made available to the person who has seized or found the animal.

4.1.7 The approved person must also be satisfied that the person who has seized or found the animal has consented to their personal information being passed on to the owner. If the person holding the animal does not consent then they should cause the animal to be delivered to the approved premises, a council pound or animal shelter.

4.1.8 If consent is given as described under paragraph 4.1.7 the approved person must then:

- (a) contact the owner to inform them of where their pet is being held;
- (b) contact the person holding the animal to confirm that this information has been passed to the owner; and
- (c) ensure that arrangements are made between the owner and the person holding the animal so that the animal is re-united with its owner.

4.1.9 The approved person should document discussions and agreements that are made during the re-uniting process and ensure private information is protected unless a person clearly consents to their information being given to another person.

4.1.10 It is important to note that some information on the Register may be out of date, which could lead to previous owner's information still being listed against a cat or dog that has been delivered to the approved premises. It is important that when the approved person contacts the listed owner of the animal on the Register that the approved person establishes that the listed owner is still the owner of the animal. See **Attachment 1 - Suggested questions when contacting an animal's listed owner on the Register** for a suggested process when contacting the listed owner.

4.1.11 The approved person must establish lines of responsibility to ensure that this procedure is carried out promptly. It is important that a single approved person handles all aspects of the enquiry if practicable.

4.1.12 The person collecting the animal must show proof of identity and if they are not the listed owner on the Register they must provide their contact information to the approved person before the animal is handed over. They should also be advised to contact their local council as soon as possible to update the animal's owner details on the Register.

4.1.13 The approved person must keep a record of information for all animals delivered to their approved premises for the purposes of being returned to their owner and this information must be made available to the Office of Local Government or local council on request. This information may be used to monitor the number of animals, delivered to an approved premises' or may be required to trace animal movements where a person has claimed a cat or dog but is not the current owner.

4.2 Injured stray cats and dogs

4.2.1 If a person delivers an injured stray animal to a vet clinic or hospital and the vet is an approved person under section 62A [and therefore, authorised to have access to the Register under section 75(7)(a1)],

he/she should search the Register and make any necessary enquiries to establish who the owner of the animal is for the purpose of reuniting the animal with the owner.

4.2.2 If ownership of the animal cannot be established, if there is a discrepancy in the animal's ownership details or the owner cannot be contacted, the vet should notify council as soon as possible and make arrangements for the transfer of the cat or dog to the pound.

4.3 Recovery of costs

4.3.1 Councils are not liable for any veterinary costs incurred for treating a cat or dog prior to the animal being delivered to the council pound unless it has been authorised by the council.

4.3.2 Approved persons are encouraged to investigate business practices that will enable costs to be re-couped from animal owners who are located and that benefit from the service that is provided.

4.3.3 Becoming an approved person is voluntary for persons working in veterinary clinics and hospitals and the potential costs and benefits should be fully considered before applying to become an approved person.

5. Further Information

Full copies of the Act and the Regulation can be viewed on the NSW Government's legislation website at www.legislation.nsw.gov.au.

To print legislation you have several options:

- You can download and print a copy from www.legislation.nsw.gov.au;
- You can download the PDF of the legislation from www.legislation.nsw.gov.au onto your computer and then either save it onto a USB drive and take it to any print company (eg, [Fuji Xerox](#) - phone 1300 656 986, Officeworks, Kwik Kopy, etc) or email it to them and they will print it for you;
- You can visit your local library to access www.legislation.nsw.gov.au, and they may be able to help you.

Further Information for Veterinary Practitioners, Approved Persons and Council Officers can be found on the cats and dogs page of the Office of Local Government's website www.dlg.nsw.gov.au

Date of Issue: June 2014

Attachment 1

Suggested questions when contacting an animal's listed owner on the Register

Background

Some information on the NSW Companion Animals Register may be out of date because cats and dogs have changed ownership or listed owners have changed address. Therefore, it is important when contacting a listed owner for an animal that has been delivered to an approved premises' that the approved person does not provide details about the animal until the listed owner has answered questions that indicate that the animal is still owned by them.

Important Notes

1. If the cat or dog is listed on the Register as any of the following:

- (a) dangerous dog**
- (b) restricted dog**
- (c) menacing dog**
- (d) subject of a nuisance or control order**
- (e) listed as 'missing', presumed stolen.**

the approved person MUST contact the local council to arrange the transfer of the animal to the council pound and MUST NOT contact the owner.

2. If ownership cannot be established or there appears to be a discrepancy regarding the ownership of an animal, the approved person MUST notify their council to arrange the transfer of the animal to the council pound.

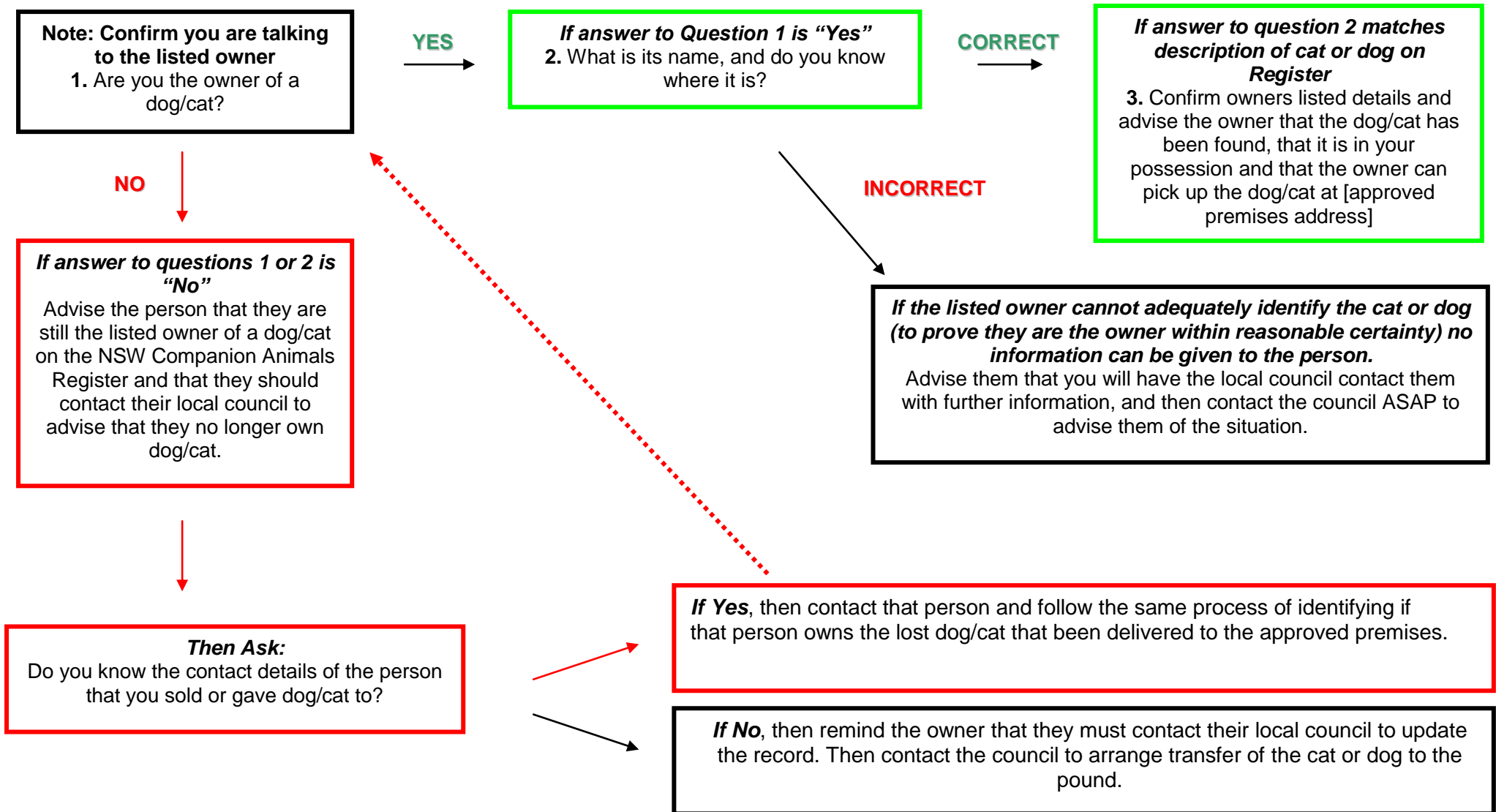
Process for contacting listed owner

The following flowchart is recommended for use by approved persons when they are contacting a listed owner on the Register.

Approved Persons – Suggested questions when contacting a cat or dog’s listed owner

Introduction:

- I am calling from [approved premises name – eg: Anytown Vet Clinic]
- I have obtained your contact information from the NSW Companion Animals Register for the purpose of reuniting a lost/injured dog/cat with its owner.



NSW Companion Animals Register (NSW CAR) APPROVED PERSON APPLICATION FORM

IMPORTANT INFORMATION:

- This application is made under Section 75(7)(a1) of the *Companion Animals Act 1998* for the applicant to be authorised to have access to information in the Companion Animals Register for the purpose of:
 - Identifying animals that have been seized under the Act; or
 - The recovery of lost animals.
- Section 307A of the *Crimes Act 1900* makes it an offence to provide false or misleading information on this form.

Reason for completing form (Tick appropriate option below):

- I am a new applicant, seeking access to the NSW CAR
- I am an existing Authorised Identifier, seeking Approved Person access
- I already have access as an Approved Person and wish to update my details.

My username is (eg: V0001234 or P0001234):

Applicant Details (to be completed by applicant)

| | | |
|---|--|---|
| Title | Given Name(s) | Surname |
| <input style="width: 100%;" type="text"/> | <input style="width: 100%;" type="text"/> | <input style="width: 100%;" type="text"/> |
| Occupation | VPB No. or V000 No. (if applicable) | |
| <input style="width: 100%;" type="text"/> | <input style="width: 100%;" type="text"/> | |
| Business Name (Approved Premises) | Business Address | |
| <input style="width: 100%;" type="text"/> | <input style="width: 100%;" type="text"/> | |
| City | State | Postcode |
| <input style="width: 100%;" type="text"/> | <input style="width: 100%;" type="text"/> | <input style="width: 100%;" type="text"/> |
| Work Phone No. | Mobile No. | Email Address |
| <input style="width: 100%;" type="text"/> | <input style="width: 100%;" type="text"/> | <input style="width: 100%;" type="text"/> |

Briefly outline what your role will be in reuniting lost or injured cats or dogs with their owners

Applicant Declaration:

- I have read and understand the Guideline for Approved Persons to access the NSW Companion Animals Register; and
- I understand that my place of work/employer as recorded on this form may be contacted to verify the details provided in this application are true and complete; and
- I declare that the information I have given above is true and complete.

Applicant Signature:

Date:

/ /

Business Owner/Operator Details (to be completed by business owner/operator)

| | | |
|----------------------|----------------------|----------------------|
| Title | Given Name(s) | Surname |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

Position held in Business:

Owner Operator Senior Vet Other: (please specify)

VPB No. or V000 No. (if applicable)

Business Owner/Operator Declaration:

- I have read and understand the Guideline for Approved Persons to access the NSW Companion Animals Register; and
- I declare that the applicant details and the business owner/operator details provided above is true and complete, and
- Acknowledge that this business/practice will be classified as an 'approved premises' under the *Companion Animals Act 1998*.

Business Owner/Operator Signature:

Date: / /

PRIVACY STATEMENT

The Office of Local Government (OLG), is collecting your personal information given in this form and may retain and use it for the purpose of keeping and administering the NSW Companion Animals Register.

You are not required by law to provide your personal information but if you fail to do so the OLG may reject the application.

If you are the applicant the OLG may disclose your personal information to the business owner/operator for the purpose of verifying its accuracy.

The OLG will not disclose any of your personal information without your consent unless authorised by law. The OLG is subject to the Privacy and Personal Information Act 1998.

Your personal information will be held by the OLG at 5 O'Keefe Avenue, Nowra NSW 2541. You have the right to access and correct the information if you believe that it is incorrect.

Please save and send completed forms to
pets@dlg.nsw.gov.au or fax to 02 4428 4199