



New South Wales

Companion Animals Amendment Regulation 2020

under the

Companion Animals Act 1998

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

SHELLEY HANCOCK, MP
Minister for Local Government

Explanatory note

The objects of this Regulation are as follows—

- (a) to further provide for the fees for registration of companion animals and annual permits for owning companion animals, including by increasing the fees (instead of relying on the provisions that adjust the fees for inflation each year),
- (b) to provide that an annual permit is not required to own a cat in certain circumstances,
- (c) to specify certain offences under the *Companion Animals Act 1998* as offences for which penalty notices may be issued and to provide for the amounts of the penalties payable,
- (d) to extend an exemption from permit requirements that applied to certain cats, dangerous dogs and restricted dogs until 1 July 2020 for 21 days until 22 July 2020,
- (e) to make other minor amendments.

This Regulation is made under the *Companion Animals Act 1998*, including sections 11G(f), 11N, 63(4), 71(2), 92 and 96 (the general regulation-making power) and clauses 9–11 of Schedule 3.

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1 Name of Regulation

This Regulation is the *Companion Animals Amendment Regulation 2020*.

2 Commencement

This Regulation commences on 1 July 2020 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Companion Animals Regulation 2018

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3(1)—

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.

[2] Clause 18 Registration fees

Omit clause 18(1)(b). Insert instead—

- (b) an additional fee of \$156, in the case of a dog that has not been desexed before reaching 6 months of age and is not kept by a recognised breeder for breeding purposes,

[3] Clause 18(1)(c)

Omit "\$15". Insert instead "\$17".

[4] Clause 18(2), (3) and (3A)

Omit clause 18(2) and (3). Insert instead—

- (2) The *registration fee* is—
 - (a) in the case of a dog—\$60, or
 - (b) in the case of a cat—\$10 less than the registration fee for a dog, or
 - (c) in the case of a companion animal that is desexed and sold to the owner by a rehoming organisation—50% of the amount specified in paragraph (a) or (b), or
 - (d) in the case of a desexed companion animal owned by an eligible pensioner—\$26.
- (3) The additional fee is not payable—
 - (a) if, before the dog reaches 6 months of age, a veterinary practitioner has specified in writing that—
 - (i) the dog should not be desexed until it reaches the age specified by the veterinary practitioner, or
 - (ii) desexing the dog at any time of its life would constitute a serious health risk to the dog, or
 - (b) in the case of a dog that is desexed after reaching 6 months of age and sold to the owner by a rehoming organisation.
- (3A) The exemption specified in subclause (3)(a)(i) applies only until the dog reaches the age specified by the veterinary practitioner.

[5] Clause 18(6A) and (6B)

Insert after clause 18(6)—

- (6A) To avoid doubt, the registration fee for a cat is to remain \$10 less than the registration fee for a dog, even after the registration fee for a dog is adjusted for inflation under subclause (6).
- (6B) Despite subclause (6), the fees payable under this clause are not to be adjusted annually for inflation for the financial year commencing on 1 July 2020.

[6] Clause 18(7), definition of “relevant desexing age”

Omit the definition.

[7] Clause 27 Permit fees

Omit “\$15” from clause 27(2). Insert instead “\$17”.

[8] Clause 27(5)

Insert after clause 27(4)—

- (5) Despite subclause (4), the fees referred to in this clause are not to be adjusted annually for inflation for the financial year commencing on 1 July 2020.

[9] Clause 27A

Insert after clause 27—

27A Annual permit not required for certain cats

For the purposes of section 11G(f) of the Act, Division 1 of Part 2A of the Act does not apply in respect of—

- (a) a cat kept by a recognised breeder for breeding purposes, or
(b) a cat, if a veterinary practitioner has specified in writing that—
(i) the cat should not be desexed until it reaches the age specified by the veterinary practitioner, but only if the cat has not reached the specified age, or
(ii) desexing the cat at any time of its life would constitute a serious health risk to the cat.

[10] Clause 43A

Insert after clause 43—

43A Notice to owner of seized or surrendered animal

A notice required by section 63 of the Act may be served by email to the owner’s email address specified in the Register.

[11] Schedule 1 Penalty notice offences

Insert in appropriate order—

Section 11B(2)	\$400
Section 11C(2)	\$700
Section 11D(2)	\$700
Section 11E(2)(a)	\$400
Section 11E(2)(b)	\$700
Section 11K(4)	\$220

[12] Schedule 2 Adjustment for inflation of certain fees

Omit clause 2(7).

[13] Schedule 2

Insert at the end of the Schedule—

Note. Fees were not adjusted under this Schedule for the financial year commencing on 1 July 2020. See clauses 18(6B) and 27(5).

[14] Schedule 3 Savings and transitional provisions

Insert “and 21 days” after “12 months” wherever occurring in clauses 2(1), 3(1) and 4(1).

[15] Schedule 3, clauses 2(2), 3(2) and 4(2)

Omit “1 July 2020” wherever occurring. Insert instead “22 July 2020”.