

## Department of Local Government

# Companion Animals Frequently Asked Questions

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# Companion Animals Frequently Asked Questions

## 1. MICROCHIPPING AND LIFETIME REGISTRATION

### **When does my cat or dog have to be microchipped and why does it have to be done?**

Since 1 July 1999 all dogs and cats in NSW must be microchipped at point of sale, change of ownership or by 12 weeks of age, whichever occurs first.

If you purchase a puppy, kitten, dog or cat in NSW, under the Companion Animals Act 1998 it must be microchipped first. If it isn't then you should report this to your local council for investigation and action if appropriate.

For further information, including responsibilities and penalties in relation to microchipping and registration, please refer to the brochures [Information for dog owners in NSW](#) and [Information for cat owners in NSW](#).

### **Are there any exemptions from microchipping and lifetime registration of dogs and cats?**

Yes. Cats born before 1 July 1999 that remain with their original owner, working dogs used for tending stock on rural properties and Greyhounds registered under the Greyhound and *Harness Racing Administration Act 2004* are exempt from microchipping and lifetime registration requirements. To confirm your animal's right to an exemption you should contact your local council.

Assistance Animals are required to be microchipped and lifetime registered but there is no registration fee.

### **Is my pet an Assistance Animal?**

Assistance Animals are defined in the Act to include guide dogs, a dog trained to assist a person in activities where hearing is required, and any other animal trained by a recognised training organisation to assist a person to alleviate the effect of a disability.

Owners claiming a lifetime registration fee exemption for an Assistance Animal should provide council with reasonable proof that the animal is a genuine Assistance Animal. Such proof should include a signed statement or documentation from a recognised training body that the animal is (or is being) trained as an Assistance Animal and a signed statement from the training body or the owner that the animal is being used for that purpose.

Genuine Assistance Animals are always desexed and come with papers and/or identification discs from the training organisation that clearly show they are an

Assistance Animal, and for what purpose. An animal that has been trained or 'educated' by its owner is not an Assistance Animal as defined in the Act.

### **Is a therapy animal an Assistance Animal?**

No. A therapy animal is an animal that engages in therapeutic activity to improve a person's general well being and quality of life. Animal therapy may be defined formally as "the use of animals to facilitate counselling or psychotherapy".

Therapy animals may work with a patient to provide emotional comfort and promote a positive state of mind. The animal may also ease discomfort through its affection, play and presence. Councils sometimes receive requests to list these animals as 'Assistance Animals'. Animals that are used as therapy animals are not Assistance Animals and are still required to be microchipped and lifetime registered and a registration fee paid, the same as other cats or dogs.

### **Does my farm working dog have to be registered?**

A working dog is defined in the Companion Animals Act as a dog used primarily for the purpose of droving, tending, working or protecting stock, and includes a dog which is being trained as a working dog.

Working dogs that are ordinarily kept in the Western Division of NSW that is not within a local government area, or is ordinarily kept on land categorised as farmland for rating purposes (see Part 3 of Chapter 15 of the Local Government Act 1993) are exempt from microchipping and registration requirements.

If you own a working dog that is exempt from microchipping and lifetime registration, you are encouraged to microchip and register your valuable animal. However, no registration fee applies. For all other working dogs that do not meet the above exemption requirements, microchipping and lifetime registration is required, but no registration fee applies.

When councils determine whether or not a dog is classified as an exempt working dog, the council officer may base their decision on where the animal is ordinarily kept, as well as the breed of the dog and what work it is used for. If you have a working dog but you live in an urban area you are still required to microchip and lifetime register your dog. Your occupation, for example if you are a shearer or stock and station agent, doesn't mean your dog is exempt from microchipping and lifetime registration requirements, but no registration fee applies.

For further information regarding rights, responsibilities and penalties please refer to the brochure [Dogs in Rural Communities](#).

### **Can my cat or dog lose its exemption from microchipping and lifetime registration?**

Yes. If your cat or dog is exempt from microchipping and registration requirements it may lose its exemption if it breaches the Companion Animals Act.

Any dog which has been declared dangerous (including working dogs) must be microchipped and lifetime registered. Similarly, any dog or cat which is the subject of a nuisance order must be microchipped and registered.

If a person is convicted of an offence under the Companion Animals Act, any registration exemption which may apply is lost, and the animal must be microchipped and lifetime registered.

Similarly, if any cat or dog is taken into the custody of a council pound it must be microchipped and registered before being released to its owner (even if it is less than 6 months old).

For further information, including responsibilities and penalties, please refer to the brochures [Information for dog owners in NSW](#) and [Information for cat owners in NSW](#).

### **How much does microchipping cost and where can I get it done?**

The cost of microchipping is not regulated and you should shop around for the best price. All vets in NSW are authorised to implant microchips. Many vet nurses, pet grooming businesses and pet shops may also offer microchipping.

Many local councils also offer low-cost microchipping for their residents. You should contact your local council to see if they offer this service.

### **I don't want to microchip my pet. Can I still lifetime register?**

No. Lifetime registration in NSW is a two-step process. The first step is microchipping and the second step is the actual payment of a registration fee by the time your pet is 6 months old. Step 2 cannot happen unless step 1 has already taken place.

For further information, including responsibilities and penalties in relation to microchipping and registration, please refer to the brochures [Information for dog owners in NSW](#) and [Information for cat owners in NSW](#).

### **My pet is too young or too old to microchip and it will hurt them - do I have to have it done?**

Yes. Microchipping a dog or cat is similar to having an annual vaccination and is not particularly painful. Animal welfare organisations have been microchipping dogs and cats for almost 30 years. They have long recognised that the benefits of permanent identification by way of a microchip far outweighs the minor discomfort of the initial implantation.

The Companion Animals Act does provide that if an animal is too ill or infirm to microchip before 12 weeks of age, then a vet may provide a certificate for an exemption but this is only temporary and the certificate must nominate a date that the animal is able to be microchipped prior to it turning 6 months of age.

Microchipping has been compulsory in NSW since 1999, so there are no exemptions if you consider that your animal is now too old to be microchipped, except for cats born before 1 July 1999 where ownership has not changed - refer to the FAQ regarding [exemptions](#).

### **What should I do if my pet's microchip number is not on the NSW Companion Animals Register?**

If you have had your dog or cat microchipped in NSW, the Authorised Identifier must enter the information onto the NSW Companion Animals Register within 3 days of implanting the microchip, or send the information to your local council for data entry within 3 days. The local council must enter the information onto the Register within 7 days of receipt of the information. If you are concerned about the accuracy of information on the Register you should take any documentation that you have to your local council. Interstate pet owners should contact the NSW Department of Local Government on (02) 4428 4100.

### **What if my dog or cat is already microchipped and listed on another microchip register?**

If you have had your animal microchipped outside NSW, or you had your animal microchipped before 1 July 1999, then all you need to do is provide evidence that your animal has been microchipped in order to register your cat or dog on the NSW Companion Animals Register. This could be the original documentation from when the animal was microchipped, or a signed statement from a vet or other authorised identifier that they have scanned the animal and quoting the microchip number.

### **What should I do if my pet was microchipped interstate or overseas?**

Companion animals microchipped interstate will nearly always have their microchip details listed on one of the national microchip registers.

Companion animals entering Australia from overseas are always microchipped. However, the Australian Quarantine and Inspection Service does not advise or provide any information to owners about the national microchip registers. If you are a NSW resident then you must contact your local council to register the microchip and contact details onto the NSW Companion Animals Register.

### **When do I have to lifetime register my dog or cat?**

All dogs and cats that require lifetime registration must be registered by the time they are 6 months of age.

Any dog or cat that is impounded, declared a nuisance, declared dangerous or is a restricted dog, **MUST** be microchipped and lifetime registered even if it's not yet 6 months of age.

All pet owners are encouraged to desex their pets prior to registration to take advantage of the significant registration discounts offered for desexed animals.

For further information, including responsibilities and penalties in relation to microchipping and registration, please refer to the brochures [Information for dog owners in NSW](#) and [Information for cat owners in NSW](#).

### **How much does lifetime registration cost?**

Registration fees for dogs and cats are set by legislation and councils are unable to change them.

Undesexed (“entire”)	\$150
Desexed	\$40
Undesexed animal kept by Recognised Breeder for breeding purposes	\$40
Desexed animal owned by pensioner	\$15

### **Some lifetime registrations do not carry a fee**

Working dogs	no fee
Cat born prior to 1 July 1999	no fee
Assistance animals	no fee
Dogs in the service of the State	no fee
Greyhounds registered under the <i>Greyhound and Harness Racing Administration Act 2004</i>	no fee

If you are intending to apply for a reduced registration fee you will need to contact your local council for information on what supporting documentation is required.

### **Can I get a pensioner discount when I lifetime register my pet?**

Yes. However pensioners with entire (undesexed) animals must pay the full registration fee, unless you are included in some other category such as a Recognised Breeder.

An eligible pensioner is the same as that defined in the Local Government (General) Regulation 2005 (cl 134). For example, this category includes anyone in receipt of an aged pension, war widows pension, or a disability pension.

Councils must sight the appropriate documentation before granting the discount. This might include a pensioner concession card or social security documents. A health care card or a senior citizens card are not acceptable evidence of being the recipient of a pension. You must also provide proof that it is desexed or a veterinary statement stating the dog is permanently incapable of reproduction.

### **As a breeder, can I lifetime register my undesexed dog or cat for the Recognised Breeder’s fee?**

Yes. However only Recognised Breeders are able to claim the Recognised Breeder’s lifetime registration fee for their undesexed dog or cat.

A Recognised Breeder is currently a person who is a member of one of the three following organisations:

- (a) Dogs NSW (formerly Royal NSW Canine Council)
- (b) NSW Cat Fanciers Association
- (c) Waratah State Cat Alliance

Before granting a discount for a Recognised Breeder, councils must sight all of the following:

- (a) a current membership card from one of the listed recognised organisations;
- (b) evidence that the animal is a purebred; and
- (c) a signed statement by the owner that the animal is to be kept for breeding purposes.

**Are any refunds available on lifetime registration fees?**

No. Under the Companion Animals Act, registration is a once-only process for the lifetime of the animal. As a result it is not possible to obtain a refund if, for example, you have your animal desexed after it is registered, or if your animal dies soon after registration.

**I have recently moved to NSW – how long until I have to lifetime register my pet?**

You have 3 months to register your pet on the NSW Companion Animals Register after you have moved to NSW. Registration is for the life of the animal so even if you move interstate again and then return, your pet is still registered. Don't forget to update your contact details on the Register by contacting your local council.

**My pet is already registered with a council in another State or Territory - do I have to lifetime register it in NSW as well?**

Yes. If you are moving to NSW, and intend to be here for 3 months or longer, you must lifetime register your pet by contacting your local council. Registration from another State or Territory is not transferable to NSW.

## 2. YOUR RIGHTS AND RESPONSIBILITIES

### How do I update my contact details on the NSW Companion Animals Register if I move house or change my name?

For NSW residents, your local council is responsible for updating and maintaining all information contained on the NSW Companion Animals Register. If you are changing your name and/or address, you will need the [Change of Owner/Details](#) form. If you are only changing your address, you can use the [Change of Address Notice](#). Both of these forms are also available from your local council. When the form is completed you need to mail it to your local council or present it over the counter at your council.

You have 14 days to notify council of any changes to identification or registration information.

**PET OWNERS SHOULD MAKE SURE THAT THEIR CONTACT INFORMATION LISTED ON THE NSW COMPANION ANIMALS REGISTER IS ALWAYS UP TO DATE AND CURRENT – IF YOUR PET GOES MISSING, YOU CAN'T BE CONTACTED IF YOUR INFORMATION IS OUT OF DATE.**

### What if I am moving interstate?

If you have already moved interstate you can download a [Change of Address Notice](#) and send it to your old NSW local council or to the NSW Companion Animals Register at Locked Bag 3030, NOWRA NSW 2541.

There are other private national animal microchip registers that your animal's microchip number may be listed on. These national registers also accept other animals such as rabbits, ferrets, guinea pigs and horses, which are not covered by the NSW Companion Animals Act.

All dogs and cats in NSW must be microchipped and the number placed on the NSW Companion Animals Register by an Authorised Identifier. However, sometimes as an extra service by Authorised Identifiers, pets are also placed on one of the national registers, particularly if the owner is travelling or moving interstate.

Contact details for existing national registers are as follows:

Australian Animal Register (AAR)            1800 025 461  
[www.australiananimalregistry.com.au](http://www.australiananimalregistry.com.au)

Central Animals Records (CAR)            1800 333 202  
[www.car.com.au](http://www.car.com.au)

National Pet Register (NPR)            1300 734 738  
[www.petregister.com.au](http://www.petregister.com.au)

Petsafe                                            1800 989 989  
[www.petsafe.com.au](http://www.petsafe.com.au)

When you are updating your contact details it is important to ensure that all national registers that your animal may be listed on are advised of the change. If you are not sure, you should contact these national registers and provide the microchip number to see if your animal is listed on that register.

### **What do I need to do if I give my pet away or sell it?**

Under the Companion Animals Act, you cannot sell or give away a companion animal without having it permanently identified by microchip. All puppies or kittens need to be microchipped by the age of 12 weeks, but if you sell or give away animals before this age, you are still responsible for ensuring that they are microchipped before they leave your ownership. A maximum penalty of \$550 applies for breaching these provisions.

You need to complete a [Change of Owner/Details](#) form and send it to your local council within 14 days. The form should also have the signature of the new owner, so you make sure you have the form ready when the new owner takes the cat or dog. [Change of Owner/Details](#) forms are also available from your local council.

For further information, including responsibilities and penalties in relation to microchipping and registration, please refer to the brochures [Information for dog owners in NSW](#) and [Information for cat owners in NSW](#).

### **What do I need to do if my pet is lost or dies?**

If your pet has been lost you must notify your local council within 72 hours and if your animal is found you must also let council know that your pet has returned home.

If your pet dies then your local council must be notified within 28 days.

If you own a dangerous or restricted dog and it is lost or dies, then you must notify your local council within 24 hours.

### **Can I access information on the NSW Companion Animals Register?**

No. The NSW Companion Animals Register is a State Government register for companion animals and their owner's details and is bound by strict privacy laws. Access is not available to the general public. These laws prevent people who are not authorised to access the Register from looking at confidential information. If you need to make an enquiry on the Register in relation to your pet, you will need to contact your local council who can assist you with checking your details and updating them if necessary.

### **What are my responsibilities as a companion animal owner?**

You should ensure your companion animal is healthy, well nourished, groomed, vaccinated, and properly exercised and socialised. Of course you will also want to make sure that it is happy and contented.

There are a number of other responsibilities you have towards other members of the community in relation to your companion animal. These are set out in the Companion Animals Act and council officers have the power to enforce the law to ensure that owners meet these responsibilities.

You are responsible for ensuring that your animal does not harm or threaten any other person or animal. For dog owners this means that you must be able to contain your dog on your property, and when you are in public with your dog you must keep it on a leash, except in specially designated areas. The owners of restricted breeds of dog, including American pitbull terriers, have several more stringent responsibilities, as do the owners of dogs that have been declared dangerous.

For further information, including responsibilities and penalties in relation to restricted or declared dangerous dogs, please refer to the brochure [Restricted and Dangerous Dogs in NSW](#) or the FAQ sections on [Restricted Dogs](#) and [Declared Dangerous Dogs](#).

Owners of cats are encouraged to keep them inside at night to reduce the chances of them fighting and hunting other animals. In addition you are required to ensure that your cat stays out of restricted areas including food preparation and wildlife protection areas.

As an owner of either a dog or a cat you must make sure that your animal is not causing a nuisance, whether by persistently making a noise, straying, interfering with other people's property or otherwise. Dog owners are also required to promptly dispose of any faeces that their dog may leave anywhere other than their own property.

The responsibilities of owning a companion animal are well balanced by the rewards that the companionship of a dog or cat can bring. The Companion Animals Act aims to assist companion animals and their owners to co-exist with other members of the community including those who choose not to own a cat or dog. By understanding and fulfilling your responsibilities you can help to maximise the benefits of companion animal ownership for your pet, your neighbours and your community.

For further information including responsibilities and penalties, please refer to the brochures [Information for dog owners in NSW](#) and [Information for cat owners in NSW](#).

### **Does my dog or cat have to wear a collar and tag?**

Yes. All dogs must wear a collar and tag with your contact details on it when in a public place.

Cats born before 1 July 1999 must be identified with either a microchip or a collar and tag. All cats born after 1 July 1999 must be microchipped and lifetime registered.

It makes good sense to have a collar and tag with your contact details on it, on your pet at all times. Despite the microchip, if your pet goes missing, then you can be readily identified by the contact information on the tag. A collar and tag will often

mean your pet is returned to you quickly and may save your pet from being taken to the council pound.

### **Does my cat or dog have to be desexed?**

The desexing of dogs and cats is not compulsory in New South Wales. There is a great deal of concern about the number of unwanted or unowned animals born each year, and desexing your pet is strongly recommended.

Although the Companion Animals Act does not require compulsory desexing, it establishes a system of registration that provides an incentive for companion animals to be desexed. The fee for lifetime registration of a desexed animal is only \$40 compared to \$150 for an 'entire' animal.

The benefits of desexing include reducing the likelihood that your dog or cat will stray, reducing fighting and aggression and reducing antisocial behaviour such as spraying to mark territory. Desexing before six months of age is encouraged, and it is recommended that you talk to your vet about the options.

If you are unable to have your animal desexed because of financial concerns, it is suggested that you talk to your vet or an animal welfare association, as they may be able to assist you.

There is no scientific evidence to show that it is "better" to allow an animal to have one litter before being desexed. Unless you are a recognised breeder you should seriously consider desexing both female and male animals.

### **What do I need to do when my dog is in a public place?**

Public places are for the enjoyment of everyone, and when you take your dog into a public place you must make sure that it does not interfere with the safety or enjoyment of other people. The Companion Animals Act includes a range of provisions to make sure that exercising your dog is safe and hygienic.

When your dog is out in public, whether walking to the shops or visiting a park, it must be under the effective control of a competent person at all times. This means that it must be on a lead and under the control of someone who is capable of restraining the dog. Small children, for instance, may not be able to control large dogs and under these circumstances an adult should walk the dog.

It is recognised that dogs benefit greatly from the chance to run freely, and for this reason the Companion Animals Act makes it a duty for councils to provide "off-leash" areas for the exercise of dogs. These areas may only be available for this purpose for limited hours, but at any time there must be at least one place in each council area where dogs can be exercised without a lead. Contact your local council to find out where your nearest off-leash exercise area is.

If your dog defecates in a public place or on someone else's property, it is your responsibility to remove the faeces immediately and dispose of them properly.

Councils have a duty to provide bins for the disposal of dog faeces in places where dogs are often exercised, and you should look for these bins in your area.

For further information including responsibilities and penalties, please refer to the brochures [Information for dog owners in NSW](#).

### **Are dogs banned from some areas?**

Yes. Under the Companion Animals Act dogs are prohibited from public areas including within 10 metres of a children's play area, within 10 metres of food preparation or consumption areas, recreation areas where dogs are prohibited, public bathing areas where dogs are prohibited, school grounds, child care centres, shopping centres where dogs are prohibited and wildlife protection areas.

For further information including responsibilities and penalties, please refer to the brochure [Information for dog owners in NSW](#).

### **What should I do if a dog attacks me?**

If you have either witnessed a dog attack or been the victim of an attack by a dog, irrespective of whether or not the attack occurred on public or private property, you should report it to your local council. If an attack occurs outside of council hours and you are unable to contact the council, then you may call your local Police Station. Police officers are also authorised officers under the Companion Animals Act. Authorised officers have a wide range of powers to deal with owners of attacking dogs, including seizure of dogs that have attacked. If you have been the subject of a serious dog attack, you may wish to seek your own legal advice to determine what remedies you may have for your situation.

### **Am I liable if my dog has attacked?**

Yes. If you are the owner of a dog you should be aware that you are liable if your dog attacks a person or another animal. While the Companion Animals Act gives certain protection to owners of dogs which attack as a result of a person or animal trespassing onto property on which the animal is kept, other forms of liability may still apply. If your dog has attacked a person or animal, you may wish to seek your own legal advice.

### **Can someone else remove my dog from my property?**

Yes. The Companion Animals Act allows an authorised officer of a council or police officer to enter private property to seize a dog in limited circumstances.

Action can be taken only where the owner consents or a dog has attacked or bitten a person or animal and where the owner is not there or cannot bring the dog under control.

An authorised officer may also seize the dog anytime within 72 hours of an attack if the owner cannot keep it adequately secured or the officer reasonably believes the dog will not be kept under effective control.

If the dog is taken off the owner's property, the authorised officer must leave a notice explaining why the dog has been taken and where the dog can be found.

The intention of this provision is to give a council officer power to bring under control a dog which has attacked and which is at risk of continuing to cause an immediate threat to public safety.

For specific information on the seizing of declared dangerous or restricted dogs, please refer to the [Restricted and Dangerous Dogs in NSW](#) brochure.

### **Do I have to keep my cat inside?**

The Companion Animals Act does not contain any requirement for cats to be kept inside, or a cat curfew. However, cat owners are encouraged to keep their cat inside at night as this can provide many benefits to both the cat itself and the general community.

Fighting and 'yowling' are also more of a problem at night, as unwanted noise is likely to be intrusive and to keep neighbours awake. Keeping your cat inside at night is therefore recommended in the interests of community harmony.

Many kinds of native wildlife are more active or more vulnerable to hunting at night. There is also evidence that cats hunt more during the night than during the day. Therefore, by keeping your cat inside you can help reduce the number of native animals that are killed in your area.

While it may be difficult to change the behaviour of grown cats, kittens can easily become accustomed to staying inside at night.

For further information including responsibilities and penalties, please refer to the brochure [Information for cat owners in NSW](#).

### **Are cats banned from some areas?**

Yes. Under the Companion Animals Act cats are prohibited from public areas where food is produced or consumed and from Wildlife Protection Areas.

Wildlife Protection Areas can be set aside by the local council and must be properly signposted. Strategies for managing companion animals in and around these areas will be set out in the council's Local Companion Animal Management Plan or other council planning documents such as Management Plan, all of which are subject to public consultation.

For further information including responsibilities and penalties, please refer to the brochure [Information for cat owners in NSW](#).

### **Is there a limit on the number of companion animals I can own?**

No. There is no limit on the number of animals that a person can own, provided that the animals are properly cared for and do not pose a nuisance, health or safety risk to other members of the community.

However, councils can develop policies either through their Local Companion Animal Management Plans or as Local Orders Policies, which provide guidance as to the number of animals considered acceptable in your local area. These policies will only be applied where health, safety, amenity or animal welfare problems are identified and are subject to public consultation before being adopted by council.

A Local Orders Policy in relation to the keeping of animals serves two purposes: firstly, to provide a guideline for all local residents on what is generally considered an appropriate number and kind of animals which may be kept; and secondly, to provide publicly accepted and documented criteria which council will use in investigating any complaint that animals kept by a particular person pose a health or safety risk to other members of the community.

Councils do not have powers under either the Local Government Act or the Companion Animals Act to generally enforce a limit on the number of animals kept as pets by all residents. Nor do councils have powers to require a person to apply for approval to keep more than the number of animals specified in a Local Orders Policy.

If you are operating a business involving the keeping of animals, such as a breeding or boarding establishment, you must comply with the usual procedures and requirements for obtaining approval to operate a business. In these circumstances, you are also required to comply with the [Code of Practice - Breeding Dogs](#), [Code of Practice - Breeding Cats](#), or the [Code of Practice - Dogs and Cats in Animal Boarding Establishments](#) under the Prevention of Cruelty to Animals Act 1979, as issued by the [Animal Welfare Unit of the Department of Primary Industries \(Agriculture\)](#).

### **I have found a stray animal - what should I do with it?**

If you have found a straying animal then you should check to see if it's wearing a collar and tag and if so use the details to notify the owner. If it's not, then you must by law take the dog to either a council animal shelter or an approved premises (usually a vet practice) where they can try and locate its owner by scanning for a microchip and getting the owner's contact details from the Companion Animals Register. Contact your local council for advice on where to take any stray animal.

### **Is council required to come and collect the stray animal I have found?**

No. Councils are not obliged to collect animals that members of the public have found, but they do have an obligation to accept animals (both dogs and cats) that are taken to a facility such as a council pound. Each council must best allocate its resources as it sees fit. If you would like to see a pick-up service for animals in your

area, you could write to the General Manager of your council or contact your elected councillors who can raise your concerns with council directly.

**Can I get after-hours assistance for companion animals issues?**

Yes. Many councils provide an after-hours service for their residents, especially for urgent matters that affect the safety of the community. If there is a dog attack and urgent assistance is required then the council after-hours contact number should be used. If an after-hours number is not available and there is a serious dog attack, then the police should be called.

### **3. PENALTIES AND POWERS**

#### **What legislation regulates the responsible ownership of companion animals in NSW?**

The Companion Animals Act 1998 is the main piece of legislation that regulates the responsible ownership of companion animals and is supported by the Companion Animals Regulation 1999.

#### **Who is responsible for enforcing the Companion Animals Act?**

Local councils are the authority responsible for implementing the Companion Animals legislation. Councils have a range of responsibilities including planning, service provision, community education and enforcement.

The legislation gives Authorised Officers, who include certain council officers and NSW police, a range of powers to deal with breaches of the Act as they occur. They can require the names and addresses of people who they reasonably suspect may have breached the Act. They are able to issue penalty notices for some offences, set by regulation, including breaches such as failing to dispose of dog faeces.

Officers can seize an animal which is stray, or to prevent injury to a person or another animal or damage to property. Seized animals must be delivered to their owner or to a council pound if the owner cannot be identified. Under very limited circumstances officers are able to enter private property to remove a dog which has attacked a person or animal.

They are also able to stop an animal which is attacking or harassing animals in a wildlife protection area or on inclosed lands within the meaning of the Inclosed Lands Protection Act 1901. If there is no reasonable alternative, council officers are empowered to injure or destroy an animal under these circumstances.

Councils also have a range of powers to deal with major or ongoing problems. These powers include the ability to issue nuisance orders, which require the owner of a dog or cat to stop the animal from causing a particular nuisance. Failure to comply with a nuisance order is an offence.

Councils can also declare a dog dangerous if it has without provocation attacked or killed a person or animal, or repeatedly threatened to do so. The owners of dangerous dogs must comply with strict conditions for the control and restraint of their animal, and must notify council of where a dangerous dog is to be kept.

Council officers can seize a restricted or dangerous dog if satisfied that any of the control requirements have not been complied with in relation to the dog.

#### **What will happen if I don't register my dog or my new cat?**

Failure to register or microchip your cat or dog as required by the Companion Animals Act attracts a maximum penalty of \$880 unless your dog is restricted or declared dangerous, in which case the maximum penalty is \$5,500.

### **What penalties are there in relation to nuisance dogs and cats?**

If you fail to comply with a Nuisance Order which has been issued in relation to your dog, the maximum penalty is \$880 for a first offence and \$1,650 for a second or subsequent offence.

If you fail to comply with a Nuisance Order which has been issued in relation to your cat, the maximum penalty is \$330 for a first offence and \$880 for a second or subsequent offence.

### **What penalties are there for dogs that attack?**

The maximum penalty for a dog attack by a restricted or dangerous dog has been increased to \$55,000, or imprisonment for two years, or both. For all other dog attacks, a fixed penalty amount of \$550 can be issued. This gives rangers and animal management officers more options to deal quickly and decisively with irresponsible dog owners. If the matter is heard by a court, a maximum penalty of \$5,500 can be imposed.

### **What penalties are there in relation to restricted or declared dangerous dogs?**

If a restricted or declared dangerous dog attacks, harasses or chases a person or animal, the maximum penalty applicable is \$33,000.

Where a restricted or declared dangerous dog attacks or bites a person due to failure to comply with control requirements, the maximum penalty applicable is \$55,000 or 2 years imprisonment or both, with possible immediate destruction of the dog.

If a restricted or declared dangerous dog attacks or bites a person and has previously attacked, the maximum penalty is \$22,000 or 2 years' imprisonment or both, with possible immediate destruction of the dog.

Where control requirements are not complied with in relation to a restricted or declared dangerous dog, the maximum penalty applicable is \$16,500.

If a restricted dog is sold or advertised for sale or its ownership is accepted by another person or if it is used for breeding purposes or advertised for breeding purposes, the maximum penalty applicable is \$16,500 for each of the offences.

If a restricted or declared dangerous dog is encouraged to attack, the maximum penalty is \$11,000 or 6 months' imprisonment or both. In this case, if the dog attacks or bites a person the maximum penalty is \$22,000 or 2 years imprisonment or both.

### **What can I do if I don't like the action council has taken in relation to a companion animals issue?**

If you remain dissatisfied with action taken by council regarding any complaint, you may write to the General Manager of your council or contact an elected councillor

who can raise your concerns with council directly. If your concerns relate to a member of staff at the council, your letter should be directed to the General Manager who is responsible for staffing matters.

### **The council sent me a fine - what can I do ?**

If you have been fined for breaching the Companion Animals Act and you believe the fine has been issued unfairly, you may ask for a review by the State Debt Recovery Office (SDRO) which is responsible for the administration and collection of fines issued by councils. The back of your penalty notice provides further details on what to do. The State Debt Recovery Office has published the [SDRO Review Guidelines](#) which outline the circumstances and documentary evidence required in order to review any penalty notice issued. Chapter 21 of the Guidelines refers to animal offences. Alternatively, you can elect to have the matter dealt with by the court.

## **4. NUISANCE CATS AND DOGS**

### **What is a nuisance cat or dog?**

Nuisance dogs and cats are responsible for many of the pet related complaints reported to local councils. Most councils have a protocol for investigating and taking action against owners who allow their pets to cause a nuisance by straying, destroying property or, if a dog, barking too much.

Nuisance animal complaints (especially barking dogs) are often complex and can destroy neighbourly relations.

If you have a complaint about a nuisance dog or cat, try to talk to the owner of the dog or cat about it. If you are not comfortable doing that, then contact your local council.

Councils generally have an established procedure for investigating barking dog complaints. It is common practice for local councils in urban areas to require complaints from more than one resident before taking action in relation to a barking dog. You may wish to seek the views of your neighbours to see if they share your concerns and if so, ask that they also write to council about the problem. Having a number of neighbours sharing the same concerns enables council to make a stronger case for action to be taken. This ensures that council has an appropriate standard of evidence to prove a case in court, if required.

Many councils require a complainant to keep a diary noting when the dog is barking, as some councils may not have the resources available to conduct high levels of surveillance on complaints they receive about this issue.

Where a council officer identifies a serious or ongoing problem, a Nuisance Order can be issued. This order requires the owner to stop the animal from the behaviour specified in the Order. If the problem continues, the owner may be liable for a range of penalties for a first offence which increase for any further offences.

If you are not satisfied with the response from your council or the action your council has taken, then you should contact an elected councillor who may assist by approaching council on your behalf.

If you are still not satisfied in relation to a barking dog, then you may take individual action under the *Protection of the Environment Operations Act 1997* by seeking a Noise Abatement Order through the Local Court. The following link provides further information. <http://www.environment.nsw.gov.au/noise/barkingdogs.htm>

### **Will I be fined if my dog barks?**

The problems caused by persistently barking dogs are a common neighbourhood complaint reported to councils.

Behavioural research shows that dogs bark out of boredom or frustration when confined or when they are not sufficiently exercised and stimulated. Problem barking

can be prevented by training and by ensuring that your animal is well nourished, exercised and is not bored.

Under the Companion Animals Act, persistent barking is regarded as similar to straying or other antisocial behaviour. Where a council officer identifies a serious or ongoing problem, a Nuisance Order can be issued. This order requires the owner to stop the dog from barking persistently. If the problem continues, the owner may be liable for a maximum penalty of \$880 for a first offence and \$1,650 for any further offences.

## **5. DECLARED DANGEROUS DOGS**

### **What is a declared dangerous dog?**

Courts and authorised council officers may declare a dog to be dangerous if without provocation, it has attacked or threatened to attack a person or animal. Dogs may also be declared dangerous if they display unreasonable aggression or are used or kept for the purposes of hunting. This does not include dogs used or kept for the purpose of locating, flushing, pointing, or retrieving birds or vermin.

If you have evidence that a dog may be dangerous you should contact your local council, or in an emergency contact your local Police station.

For more information including responsibilities and penalties, please see the [Restricted and Dangerous Dogs in NSW](#) brochure or contact your local council.

### **What should I do if council has issued me with a Notice of Intention to declare my dog dangerous?**

If you are issued with a Notice of Intention to declare your dog dangerous, you must ensure that your dog is registered, has a muzzle secured over its mouth and is under the control of a competent person at all times when the dog is away from the property where it is normally kept.

You then have 7 days from the date the Notice of Intention is given to lodge an objection with the council, together with any evidence you may have to support your objection. The council must consider your objection before making any declaration.

**Note:** Temperament assessments for restricted dogs are not applicable to any other part of the Act and you cannot use this assessment to contest a dangerous dog declaration.

For further information you should contact your local council.

### **I have a dog to guard my house - is it a dangerous dog?**

No. Many people keep a dog with the expectation that it will increase the security of their home against burglars and trespassers. There is no problem with keeping a dog with this aim in mind, provided that it does not become a danger to other people or animals.

Your dog is only at risk of being declared a dangerous dog if it has without provocation attacked or killed a person or domestic, farm or native animal, or repeatedly threatened to attack or repeatedly chased a person or animal. A formal process exists for declaring a dog to be a dangerous dog.

It should be noted that the Companion Animals Act makes it an offence to encourage a dog to attack, whether or not an actual injury is caused.

As the owner of a dog you should be aware that you are liable if your dog attacks a person or another animal. The Companion Animals Act gives certain protection to owners of dogs which attack as a result of a person or animal trespassing onto property on which the animal is kept, however other forms of liability may still apply.

**What do I need to do if my declared dangerous dog is lost or dies?**

If you own a dangerous dog and it is lost or dies, then you must notify your local council within 24 hours.

## **6. RESTRICTED DOGS**

### **What is a restricted dog?**

Restricted dogs in NSW are as follows:

- (a) American pitbull terrier or Pitbull terrier
- (b) Japanese tosa
- (c) Dogo Argentino (Argentinean fighting dog)
- (d) Fila Brasileiro (Brazilian fighting dog)
- (d1) Any other dog of a breed, kind or description whose importation into Australia is prohibited by or under the Customs Act 1901 of the Commonwealth
- (e) Any dog declared by a council under Division 6 of the Act to be a restricted dog. A council-declared restricted dog refers to any dog where the council is of the opinion that the dog is of a breed or kind of dog on the restricted dog list or a cross-breed of any such breed or kind of dog.

For more information see the [Restricted and Dangerous Dogs in NSW](#) brochure or contact your local council.

### **What should I do if Council has issued me with a Notice of Intention to declare my dog restricted?**

Recent changes to the companion animals legislation increased control provisions for restricted and declared dangerous dogs, as well as higher penalties for offences. This may include the seizure and destruction of a dog in certain circumstances.

If you are issued with a Notice of Intention to Declare a Dog to be a Restricted Dog, you must follow all of the instructions contained in the Notice.

If your dog is listed on the NSW Companion Animals Register as a pure-breed dog of a restricted breed, it cannot have a breed assessment carried out. A breed assessment or temperament assessment is only carried out on a cross-breed of a restricted dog where the council has served a Notice of Intention to Declare A Dog to be a Restricted Dog.

For further information see the [Restricted and Dangerous Dogs in NSW](#) brochure or contact your local council.

### **What do I need to do if my restricted dog is lost or dies?**

If you own a restricted dog and it is lost or dies, then you must notify your local council within 24 hours.

## **6. VETS AND AUTHORISED IDENTIFIERS**

### **I want to become an Authorised Identifier – what do I need to do?**

If you are interested in becoming an Authorised Identifier, which allows you to implant microchips in companion animals in NSW, the following organisations run training courses:

TAFE NSW (contact your closest TAFE)  
Animal Welfare League NSW - (02) 9606 9333

When you complete the course the training provider notifies the Department of Local Government and access to the NSW Companion Animals Register is established for the input of microchip animals' identification information.

### **As a vet, how can I get access to the NSW Companion Animals Register?**

(a) as an Authorised Identifier

Send an email to [pets@dlg.nsw.gov.au](mailto:pets@dlg.nsw.gov.au) advising your full name, vet practice contact details and personal contact details as well as your NSW Veterinary Practitioners Board number. You will receive acknowledgment of your request which will then be processed for approval by the Director General. Access to the Register will be established and you will receive written confirmation of your username and password for the input of microchip animals' identification information.

(b) as an Approved Person

The application form is located in the [Guideline for Approved Persons](#).

### **How can I order more NSW Companion Animals Register forms?**

Supplies of all forms are available from Salmat. Requests should be e-mailed to [toni.patterson@salmat.com.au](mailto:toni.patterson@salmat.com.au) or faxed to (02) 9743 8603. In addition, they can be downloaded from the [Companion Animals website](#).

### **What is an Approved Person?**

An approved person is a person operating an approved premises authorised by the Director General (usually vets, interstate councils and animal welfare organisations) to have access to the NSW Companion Animals Register, to enable a microchip number search to assist the return of lost animals to their owners.

### **How can I become an Approved Person?**

The application form is located in the [Guideline for Approved Persons](#).

*This information was last updated on 10 October 2007.*