

Circular No. 08-73
Date 2 December 2008
Doc ID. A159222

Contact Karen Legge
02 4428 4182
karen.legge@dlg.nsw.gov.au

COMPANION ANIMALS REGISTRATION EXEMPT ORGANISATIONS - COMPANION ANIMALS REGULATION 2008

With the commencement of the Companion Animals Regulation 2008, the Department has reviewed the process by which organisations can be exempted from the registration requirements for companion animals that they take into temporary care while seeking to re-house them.

As a result of the review, the Guidelines and Application Form have been revised and are attached for your information. The following changes have been implemented:

1. animals remaining in the care of exempt organisations for longer than twelve months will cease to be covered by the registration exemption
2. organisations granted an exemption under new clause 16(d) will need to re-apply for their exemption every five years
3. organisations granted an exemption will be required to provide an annual report to the Department of Local Government.

Organisations previously granted exemptions under the old Regulation (clause 17(c)), and organisations that have expressed an interest to the Department to become an exempt organisation, have been notified of the revised Guidelines and Application Form. The Guidelines and Application Form are also available from the Companion Animals page of the Department's website: www.dlg.nsw.gov.au.

Councils are reminded that under section 64(5) of the *Companion Animals Act 1998*, they are obliged to consider whether there is an alternative action to that of destroying an animal. The intent of clause 16(d) of the Regulation is to provide such an alternative action by way of a financial incentive to animal rescue organisations.

Organisations that apply for this exemption must have a written statement from the General Manager of the council from which animals are to be sourced endorsing their application. Councils are encouraged to develop local agreements with relevant organisations to enable those organisations to source animals from council pounds in an efficient manner.

Organisations granted an exemption will be required to report to the Department of Local Government by 31 July each year on their activities during the previous financial year.

The report is to include:

- Number of animals which entered into the organisation's care
- Number of animals which left the organisation's care
- Average duration of care
- Number of animals in care at the end of that financial year
- Care outcomes (eg, re-housed/escaped care/euthanased)
- Number of carers the organisation has.

The organisation will be required to provide a copy of this report to each of the councils they work with.

Councils may wish to inform local organisations known to be undertaking this work that the Department is again accepting applications for registration exemption.

For further information please contact the Companion Animals Unit at the Department of Local Government via email to pets@dlg.nsw.gov.au or on telephone 02 4428 4100.



Garry Payne AM
Director General



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

**GUIDELINES FOR APPROVAL TO BE AN ORGANISATION
EXEMPT FROM COMPANION ANIMAL REGISTRATION UNDER
CLAUSE 16(d) OF THE COMPANION ANIMALS REGULATION
2008 Guideline 2008/01**

*Issued by: Director General, Department of Local Government
December 2008*

INDEX

- 1. Introduction**
- 2. Process**
 - 2.1 Rescuing animals**
 - 2.2 Re-housing animals**
 - 2.3 Updating the Companion Animals Register**
- 3. Record Keeping and Reporting**
- 4. Application for Exemption**
- 5. Further information**
- 6. Attachments**
 - 6.1 Application form**
 - 6.2 Appendix 1 - Data collection format example**
 - 6.3 Appendix 2 – Annual reporting form**

GUIDELINES

For approval to be an organisation exempt from companion animal registration

Clause 16(d) - Companion Animals Regulation 2008

1. Introduction:

The intent of clause 16(d) of the Companion Animals Regulation 2008 is to provide financial relief to animal rescue organisations by exempting them from the requirement to register animals which are in their temporary care for the purposes of re-housing. This exemption provision was formerly contained in clause 17 of the old 1999 Regulation.

An animal is required to be lifetime registered immediately following its release from an organisation holding a clause 16(d) exemption. However, it is the responsibility of the new owner to ensure the animal is registered. Organisations operating with a clause 16(d) exemption may choose to register animals prior to release and include the cost of registration in the purchase price charged to the new owner.

All animals entering the care of rescue organisations MUST be identified (ie microchipped) – the clause 16(d) exemption does NOT include exemption from identification.

Animal rescue organisations may continue to do rescue and re-housing work without an exemption under clause 16(d) of the Regulation. It is not compulsory for animal rescue organisations to seek this exemption in order to continue their work. It is a matter for individual councils to enter into arrangements with animal rescue organisations about how they will work with council to assist re-housing animals.

It should be noted that a clause 16(d) exemption provided by the Director General does not, in any way, provide an endorsement of the organisation holding the exemption. An exemption may not be used to promote an organisation or to verify the credentials of an animal welfare or rescue organisation.

A clause 16(d) exemption is to be used solely for the purposes for which it has been granted.

Organisations that undertake animal rescue and rehousing work, and the animal carers who are members of the organisation, must comply with all requirements of the *Companion Animals Act 1998* and the Companion Animals Regulation 2008. A clause 16(d) exemption may be revoked, and penalties apply in the event that there is a breach of this legislation. Organisations must make themselves aware of their obligations under the *Prevention of Cruelty to Animals Act 1979* and other relevant animal welfare guidelines and codes.

2. Process:

2.1 Rescuing animals

The intent of the exemption is that it applies to the TEMPORARY care of animals while they are awaiting re-housing. Therefore, individual animals in the care of an organisation in excess of twelve (12) months will cease to be covered by the exemption, and will be required to be registered. Animals that are unable to be re-housed after twelve months are most often unlikely to be re-housed and must therefore be registered

Clause 23 of the Companion Animals Regulation 2008 requires that animals that are exempt from registration, but then breach the *Companion Animals Act 1998* lose their registration exemption, and must be registered before returning to the care of the organisation. Breaches of the *Companion Animals Act 1998* include becoming impounded, attacking another animal or person, and being the subject of a nuisance complaint.

2.2 Re-housing animals

An organisation must NOT rehouse an animal that is subject to a:

- notice of intention to declare dangerous, restricted or nuisance
- declaration that it is a restricted or dangerous animal.

Companion animals over the age of twelve weeks of age, or whose ownership has been transferred prior to twelve weeks, must be identified by a microchip. This includes animals in the care of organisations that have a registration exemption.

If the animal has an existing microchip then the details for this animal must be changed to be in the animal rescue organisation's name or the new owner's name, within 7 days of receiving the animal. The secondary contact details section of the C3A form (*Change of Owner/Details*) MUST be completed and record the foster carer and their contact numbers in the event that the animal becomes lost.

If the animal is microchipped by the organisation then the permanent identification information must be in the organisation's name and updated to include the new owner's details and the animal must be registered.

Animals subsequently re-housed to new owners by an organisation granted exemption from registration must be registered. It is the responsibility of the animal rescue organisation to ensure that the animal is registered prior to the animal leaving the custody of the organisation.

The organisation must also ensure that the new owner's details are lodged with their local council to enable the Companion Animals Register to be updated (*Form C3B: Change of Owner*) as required by the *Companion Animals Act 1998*.

2.3 Updating the Companion Animals Register

When an animal arrives into the organisation's care, the organisation should confirm with the previous owner (whether it is the Council Pound or an individual surrendering their animal) that the appropriate forms have been completed and submitted in order to update the Companion Animals Register. It is in the best interests of the organisation and the animal that the Register is kept up to date.

When animals come into the care of an organisation, the organisation must be listed as the 'owner' of the animal, and the secondary contact details should be those of the carer. If carer arrangements change while the animal is in the organisation's care, the secondary contact details should be updated on the Companion Animals Register.

When an animal leaves the organisation's care the organisation is required to complete a '*C3B Change of Owner: Processed by Animal Welfare Organisation or Council Pound*' form, and send it within 14 days to the relevant local council.

If an animal is rehoused interstate, the Companion Animals Register must still be updated. Animal rescue organisations are encouraged to provide information about the national database to the new interstate owner who may wish to register their animal on this database.

3. Record keeping and reporting:

Animal rescue organisations that gain an exemption from registration under clause 16(d) of the Companion Animals Regulation 2008 are required to keep records of the animals that come into their care. These records may be requested by the relevant local council/s and/or the Department of Local Government from time to time. A report to the Department of Local Government must also be submitted by 31 July each year, which reports on the previous financial year period. A copy of the report is to be provided to each of the councils the organisation works with, and any other council on request for the purpose of their regulatory activities under the *Companion Animals Act 1998*.

At a minimum, the following information is to be kept by the organisation:

- Date that animal arrives in the organisation's care
- Place from which the animal was sourced (eg council pound, surrendering owner, another organisation)
- If applicable, a signed statement from the owner of an animal that is being surrendered and the signed transfer of ownership papers (if the animal is microchipped) or confirmation that this paperwork has been appropriately processed
- Identification information of that animal (microchip number)
- Name and address of carer/s
- Date that animal leaves the organisation's care
- Outcome (eg re-housed, escaped care, euthanased)

A sample format for the collection of this information is attached (Appendix 1).

The annual report to the Department (covering the previous financial year) is to include:

- Number of animals that entered into the organisation's care
- Number of animals entering care by source (eg council pound, another organisation, surrendered)
- Number of animals that left the organisation's care
- Average duration of care
- Number of animals in care at the end of that financial year
- Care outcomes (eg number re-housed, escaped care, euthanased)
- Number of carers the organisation has
- Number of councils (local government areas) serviced

The report is to be provided on the form attached at Appendix 2, and returned to the Department of Local Government by 31 July each year for the previous financial year (eg, the report for 2008-09 is due by 31 July 2009). A Word version of the annual reporting form is available from the Department's website (www.dlg.nsw.gov.au).

4. Applications for exemption:

Applications for exemption are required to be made on the attached application form. Applications need to include written confirmation from the relevant local council/s that it supports the organisation's sourcing of animals from their pound facility. If council does not support the application, then they should provide reasons as to why the application is not supported. The letter must be from the General Manager of the council and be addressed to the Director General, Department of Local Government, Locked Bag 3015, Nowra NSW 2541.

Animal rescue organisations granted an exemption under clause 16(d) of the Companion Animals Regulation 2008 are required to notify the Department of Local Government in writing within fourteen (14) days of any changes to the information provided in the application.

Organisations that are granted exemptions will be required to re-apply after a period of five (5) years. The primary purpose of this re-application is to confirm that all requirements for the exemption are still being met, and that the animal rescue organisation is able to continue to demonstrate its capacity to comply with the conditions of the exemption. The Department will notify organisations in writing three months prior to the expiry of the exemption of the need to re-apply.

Applications are to be forwarded to:

Director General
Department of Local Government
Locked Bag 3015
Nowra NSW 2541

The Department will use the information supplied on the application form for the purposes of determining this application. It will not be disclosed to other parties except as required for processing this application, the publication of an Order in the NSW Government Gazette or in accordance with the Freedom of Information Act 1989.

Applicants will be notified in writing of the outcome of their application. Exemptions granted will be issued as an Order that is published in the Government Gazette.

5. Further Information:

Questions relating to the exemption requirements or to the application process should be directed to the Companion Animals Team of the Department of Local Government: pets@dlg.nsw.gov.au or 02 4428 4100.

Further information about companion animals is available on the Department of Local Government website: www.dlg.nsw.gov.au.

APPLICATION FORM
**For approval to be an organisation exempt from
companion animal registration under clause 16(d) of the
Companion Animals Regulation 2008**

| Organisation information: | |
|--|--------|
| Name of the organisation seeking exemption: | |
| Contact person: | |
| Position in the organisation: | |
| Telephone (Business hours): | |
| Postal address: | |
| Primary address where animals will be kept: (If the organisation utilises the services of a number of carers, please attach a list of their names and addresses) | |
| Organisation's charter, statement of objectives or other documentation that demonstrates the framework under which the organisation operates, and its commitment to re-housing companion animals (attach where appropriate): | |
| Have any directors, managers, officers, or persons in charge of animals in the organisation ever been convicted of breaches under any of the following Acts: | |
| <i>Animal Research Act 1985?</i> | YES/NO |
| <i>Companion Animals Act 1998?</i> | YES/NO |
| <i>Exhibited Animals Protection Act 1986?</i> | YES/NO |
| <i>Prevention of Cruelty to Animals Act 1979?</i> | YES/NO |
| If you answered YES to any of the above, please provide full details of the relevant offence/s: | |
| If the organisation is affiliated with any other animal rescue group, charity or organisation please list the names of these organisations: | |

Rescued animals information

Where do animals in your care currently come from? (tick as many as apply)

- surrendered by owners
- supplied by another organisation/s (please provide name/s)

.....

.....

- elsewhere (please supply further details)

.....

.....

From which council pound/s will animals be likely to be sourced in the future, should this application be approved? (please list all which are applicable):

.....

.....

Please provide written confirmation from the local council/s' General Manager/s demonstrating they endorse your organisation to be exempt under clause 16(d) of the Companion Animals Regulation 2008. This should be attached under council/s' letterhead.

Veterinarian information

Name of the Rescue Organisation's nominated Veterinarian or veterinary practice:

Veterinarian telephone number (business hours):

Veterinarian address:

Please provide written confirmation from your vet or vet practice of their willingness to undertake veterinary work for your animal rescue organisation. This may be attached under their letterhead, or by having them complete the declaration below:

I, the above-named veterinarian / representative of above-named veterinary practice confirm that I am willing to provide veterinary work for the following animal rescue organisation:

Name

Signature

Date

V number:

Declaration

I understand that it may be a breach of the *Companion Animals Act 1998* for staff or carers of the organisation to accept an animal into care if the animal has been brought in as a stray or surrendered by someone other than the animal's owner, rather than being surrendered by the animal's owner or supplied from a council pound, either directly or via another animal welfare organisation (see section 62 of the Act).

I declare that the animal carers and persons responsible for the re-housing of animals received by the organisation under the exemption are aware of their responsibilities under the *Companion Animals Act 1998*, the *Companion Animals Regulation 2008* and other animal welfare codes and guidelines.

I agree to maintain records which comply with the *Companion Animals Act 1998* and *Companion Animals Regulation 2008*, and that these records will be made available to the relevant council and the Department of Local Government within seven days of written request. I agree to provide a summary report to the Department annually.

I agree to keep a register including the names of carers involved in the re-housing of animals, and up-to-date details of the location of all animals received under the exemption in our care. I agree to provide this information to the Department of Local Government or relevant council as requested.

I agree that our organisation will comply with the conditions of the exemption as set out in the Clause 16(d) Exemption Guidelines, and understand that if we fail to do so, that our organisation may have its exemption revoked.

I confirm that all information on this form is accurate, and that I will advise the Department of Local Government within fourteen (14) days of any changes.

I have read and understood all of the statements above, and agree to comply with these requirements of exemption on behalf of the applicant organisation.

Full Name:

Signed: Date:

Checklist

- All questions above have been answered fully
- The declaration has been signed and dated by an authorised representative of the organisation
- Support letter from Council/s General Manager attached
- Support letter attached and/or signed declaration above from veterinarian
- Declarations signed by authorised organisation representative

The information supplied on this form will be held by the Department of Local Government. You have the right to request in writing access to information held about you on this form and, where appropriate, request the correction of any incorrect details.

Appendix 2

Annual reporting form

| | | | | | |
|---|---|--|--|---|--|
| Organisation name: | | | Reporting year: | | |
| Number of animals that entered into the organisation's care this reporting period: | | | Number of animals that left the organisation's care this reporting period: | | |
| Average duration of care for this reporting period: | | | Number of animals currently in care as at end of financial year: | | |
| Number of carers in organisation: | | | Number of councils (local government areas) serviced: | | |
| Number of animals entering care by source for this reporting period: | From Council pound | | Care outcomes for this reporting period: | Number re-housed | |
| | Surrendered by owner | | | Number escaped care | |
| | From another animal rescue organisation | | | Number euthanased (please provide reason) | |
| | Other (please specify) | | | Other (please specify) | |
| Explanatory notes or additional information <i>(Add additional pages if required)</i> : | | | | | |

I declare that the information above is an accurate record, and that a copy has been provided to the following council/s:

Full Name: Signed: Date: