

Department of Planning, Housing and Infrastructure

dphi.nsw.gov.au



Review of the NSW Companion Animals Laws

Discussion Paper

February 2025





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land, and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

Published by NSW Department of Planning, Housing and Infrastructure

Office of Local Government

olg.nsw.gov.au

Review of the NSW Companion Animals Laws

First published: February 2025

Department reference number: A911170

Copyright and disclaimer

© State of New South Wales through the Department of Planning, Housing and Infrastructure 2024. Information in this publication is based on knowledge and understanding at the time of writing, September 2024, and is subject to change. For more information, please visit nsw.gov.au/copyright

DPHI-MC-R-LC-V1.0

Contents

Acknowledgement of Country	2
Message from the Minister	4
Introduction	5
Ensuring the responsible care and management of companion animals.....	5
Purpose of the review of the Companion Animals Act.....	5
This discussion paper is the first step in the review	5
Several related inquiries will contribute to the review	6
Shared roles and responsibilities under the Act	6
Owners.....	6
The Minister for Local Government and the Office of Local Government.....	7
Councils.....	7
Roles of other stakeholders	7
Other Government departments.....	8
How to have your say	9
Key focus areas for change	10
1. Strategic framework for encouraging responsible ownership of companion animals.....	11
The companion animal legislative framework in NSW is underpinned by the principles of responsible pet ownership.....	11
Legislative framework.....	11
2. Compliance and enforcement role of councils.....	13
3. Companion animal population and rehoming.....	14
Privacy Notice – Companion Animal Act Review consultation	16
Appendix A - Penalty notice offences under the Companion Animals Act	17
Schedule 1 Penalty notice offences.....	17

Message from the Minister

In New South Wales (NSW), the known population of pet dogs and cats exceeds 4.7 million and the trend of pet ownership is increasing. As the NSW pet population grows, so too does the responsibility for pet owners to ensure they care for their pets appropriately and their pets behave properly.

The NSW Government made a commitment to review the *Companion Animals Act 1998*, which has not been reviewed comprehensively since 2005. It is time to conduct a wholesale review of the Act and analyse the issues that have arisen since its introduction.

We have seen the tragic outcome of fatal dog attacks. As part of its review of the Companion Animals Act, the Government will act on the recommendations of recent coronial inquiries into fatal dog attacks in NSW.

NSW has made significant improvements in companion animal management over the last 25 years, resulting in safer communities and better outcomes for companion animals.

It is critical that NSW has a regulatory system that supports owners to be responsible. We can achieve this through education, awareness, modern digital systems, and a robust set of easily understood rules. Our framework must also provide suitable and balanced regulatory measures for situations where an owner's behaviour falls short of their legislative responsibilities.

In conducting this review, the NSW Government seeks to build on the achievements of the past 25 years by considering the emerging trends and issues affecting companion animals and their care and management.



The Hon. Ron Hoenig MP

Leader of the House in the Legislative Assembly

Vice-President of the Executive Council

Minister for Local Government

Introduction

Ensuring the responsible care and management of companion animals

The Companion Animals Act legislates the identification and registration requirements of companion animals and the duties and responsibilities of their owners, with the principal object being to *‘provide for the effective and appropriate care and management of companion animals’*.

The NSW Government aims to achieve this primarily through encouraging responsible ownership of companion animals. The Act also reflects the NSW Government’s policies to both protect animal welfare, including of native birds and animals, and to reduce public and environmental nuisances caused by companion animals.

To achieve these policies, the Companion Animals Act needs to evolve from being a mechanism that captures data and sets the enforcement framework for managing how companion animals interact with people and other animals. The aim is for the Act to strengthen the social licence for keeping companion animals, while also holding pet owners accountable for the care and management of their pets. The Act must also address the urgent need to prevent companion animals from needlessly entering the council pound and rehoming system.

This review is an opportunity for every pet lover, animal welfare advocate, and responsible citizen to help make a difference.

The Government will consider the feedback it receives to this discussion paper as it determines the next steps in the review of the Companion Animals Act.

Purpose of the review of the Companion Animals Act

This discussion paper seeks feedback from stakeholders and the public on how to improve the *Companion Animals Act 1998*. The Act provides the legislative framework for managing pet cats and dogs in NSW. The Companion Animals Act was last comprehensively reviewed 20 years ago.

This discussion paper is the first step in the review

This discussion paper marks the beginning of the review and takes a broad approach to canvassing key strategic issues under 3 key focus areas. The Companion Animals Regulation 2018, which is due for statutory review, will be reviewed in tandem with the Companion Animals Act. This will ensure the entire companion animal regulatory framework is examined holistically.

This will not be the only opportunity for you to have a say. Further consultation, including papers, targeted stakeholder meetings and workshops, may be undertaken, as required. This will help the NSW Government determine the key issues and consider options for change from different perspectives.

Several related inquiries will contribute to the review

The Companion Animals Act review will also consider the findings and recommendations of various NSW Government inquiries into related issues through Parliamentary committees.

Relevant Parliamentary inquiries include:

- Inquiry into pounds in NSW.
- Veterinary workforce shortage in NSW.
- Cat management in NSW.

There are also coronial inquests that are progressively reporting on several fatal dog attacks in NSW. The inquests into these tragic events are identifying issues and shortcomings of the current regulatory framework as well as lessons that can be learned to help reduce the risk of dog attacks in the future. The review will carefully consider these findings and recommendations.

Shared roles and responsibilities under the Act

Owners

Companion animal owners in NSW have several key responsibilities under the Companion Animals Act.

Owners must ensure their pet is microchipped and registered by the time it is 12 weeks old or when it is first sold.

Companion animal owners must adhere to the guiding principles of responsible pet ownership, which involves providing adequate food, water, shelter, desexing, veterinary care, training, and socialisation. While owners derive joy and companionship from their pets, they must also commit to the long-term care and well-being of their pets.

Importantly, owners must take responsibility for the actions of their pets and ensure they are not a public safety risk or nuisance.

Owners should also take proactive steps to prevent their pets from entering the pound system, ensuring they are not abandoned or neglected and taking responsibility for rehoming them if necessary.

The Minister for Local Government and the Office of Local Government

The Minister for Local Government is responsible for administering the Companion Animals Act. As a member of Parliament, the Minister for Local Government forms part of the policy and decision-making process that is central to Government action.

The Department of Planning, Housing and Infrastructure advises the Minister through the Office of Local Government. The Office of Local Government is responsible for companion animal policy, legislative development, and maintaining the state-wide Register of Companion Animals. The Register helps councils and others reunite lost pets with owners and promotes responsible pet ownership through microchipping and registration. It also provides data on pet ownership and compliance.

The Office of Local Government also manages the Companion Animals Fund, which derives funding from registration and annual permit fees. These funds are reinvested into the Register, into responsible pet ownership education and awareness activities and to support councils in their companion animal management role.

Councils

The enforcement of companion animal legislation and monitoring of compliance is primarily the responsibility of councils. This stems from their obligation to provide safe and healthy neighbourhoods. Councils have the authority to

- manage unregistered, lost, or surrendered companion animals
- investigate and report dog attacks
- declare dogs as menacing, dangerous or restricted
- handle complaints about companion animals
- define and oversee off-leash and prohibited areas.

Councils' obligations under the Companion Animals Act include providing pound facilities, which can be outsourced to approved organisations or veterinarians. In our rural and regional areas, companion animal issues may differ from those in metropolitan areas, but they are equally important. Councils may focus on different regulatory issues relevant to their local communities.

Councils must report annually on their enforcement activities and compliance with the Companion Animals Act and Regulation.

Roles of other stakeholders

Veterinarians

Under the Companion Animals Act, veterinarians (vets) assist with microchipping, desexing, registration and care for seized and surrendered animals. They can update key pieces of information on the NSW Pet Registry. Vets must also determine if a companion animal is so severely injured or diseased, or in such a physical condition that it is cruel to keep the animal alive.

Rehoming and rescue organisations:

Rehoming and rescue organisations are crucial in helping to find new homes for surrendered or lost pets. Rehoming organisations can be designated under the Companion Animals Act.

Breeders

Ethical and responsible breeding practices are crucial to ensuring the welfare of companion animals. Breeders are regulated under the Prevention of Cruelty to Animals Act and the 'Animal Welfare Code of Practice: Breeding Dogs and Cats'. Recognised breeders' organisations are defined under the Companion Animals Act.

Other Government departments

NSW Department of Primary Industries and Regional Development

This Department plays a vital role in companion animal welfare under the *Prevention of Cruelty to Animals Act 1979*. It administers animal welfare laws, enforces compliance in partnership with organisations like the RSPCA and Animal Welfare League. Additionally, the Department is involved in modernising animal welfare policies and guidelines to ensure best practices are followed.

National Parks and Wildlife Services

This agency manages NSW national parks and may be involved in managing interactions between wildlife and pets.

NSW Police

Police officers are authorised officers under the Companion Animals Act and assist with the enforcement of laws, particularly in relation to dangerous dogs or dog attacks.

Transport for NSW

Transport for NSW is involved in managing the use of and accessibility for assistance animals on public transport.

Department of Communities and Justice

This Department oversees policies regarding assistance animals as well as working with vulnerable populations that rely on companion animals for support.

How to have your say

The NSW Government invites the community and stakeholders to provide feedback on the questions in this discussion paper by Sunday 4 May 2025. The Government will consider feedback received as it determines the next steps in its review of the Companion Animals Act.

There are two ways to submit your feedback:

1. Online via the Office of Local Government's website (www.olg.nsw.gov.au).
2. Download a submission form from www.olg.nsw.gov.au and email to ca.review@olg.nsw.gov.au – with the subject line 'Companion Animals Act Review Discussion Paper'.

Key focus areas for change

This discussion paper presents an opportunity to gather feedback and ideas on how companion animals are best managed. This will help to inform the next steps of the review of the Companion Animals Act. This is an important opportunity to help shape the laws to manage companion animals in NSW.

The Companion Animals Act must shift from merely protecting society from badly behaved companion animals to better ensuring that pet owners are held accountable for the care and management of their pets. We must also address the urgent need to prevent animals from needlessly entering the pound and rehoming system.

The NSW Government is aware of several issues that are not adequately addressed by the current legislative framework. To address these gaps, the Government aims to transition the Companion Animals Act from legislation predominantly founded upon rules and processes to one of principles and outcomes.

The current system has a heavy focus on reactive compliance processes that deal with poorly behaved companion animals. The focus is on recording animal and ownership data and empowering authorised officers to act. This happens, for example, when authorised officers seize an animal, or declare an animal to be a nuisance, menacing or dangerous. It even determines what approved form to use.

Outcomes-based legislation on the other hand provides greater flexibility by allowing the laws to adapt to changing behaviours and situations. While it means regulators must make decisions based more on qualitative assessments, it also makes it easier to set out pet owner responsibilities in law, and make appropriate changes over time.

The following **three focus areas** will be considered as part of this discussion paper, with questions posed under each area to help guide discussion:

- 1. Strategic framework for encouraging responsible ownership of companion animals.**
- 2. Compliance and enforcement role of councils.**
- 3. Companion animal population and rehoming.**

1. Strategic framework for encouraging responsible ownership of companion animals

The companion animal legislative framework in NSW is underpinned by the principles of responsible pet ownership

A key aim of this discussion paper is to assess whether the current legislative framework clearly and effectively supports responsible pet ownership, and to identify areas for improvement.

Responsible pet ownership is a key policy outcome for the NSW Government. It involves ensuring the health, wellbeing, and proper management of companion animals throughout their lives. This includes complying with relevant laws for:

- microchipping, registration and desexing
- preventing harm or nuisance
- providing adequate food, water, shelter, exercise and veterinary care.

Owners should also ensure their pets receive proper training and socialisation. Owners must be prepared for the long-term commitment of caring for their pets.

Education

Education plays a pivotal role in this framework by informing pet owners about their responsibilities and the best practices for animal care. Programs and campaigns led by the Office of Local Government, and local councils aim to raise awareness about the importance of proper pet care, including training, socialisation, and health management.

Recent coronial inquests into fatal dog attacks have recommended implementing a statewide public awareness and education campaign that emphasises the risks posed by dogs, including the dangers posed by specific breeds and types of dogs, and how to interact with dogs.

Legislative framework

Through a prescriptive set of rules and processes, the legislative framework establishes deterrents for irresponsible behaviour and creates a system of compliance that is enforced with the assistance of the statewide Companion Animal Register.

The legislative framework aims to ensure the principles of responsible pet ownership are supported through a regulatory structure that both encourages owners to be responsible and that empowers local councils to enforce compliance against irresponsible owners, particularly when companion animals pose a safety risk to others.

Currently, the Companion Animals Act creates responsible ownership obligations to microchip and register companion animals, as well as incentives to have them desexed.

There are also obligations for dog owners to prevent their dogs from roaming, keep them under effective control when in public, and to clean up after them. Cat owners must ensure their cats do not become a nuisance and do not roam into certain public places such as wildlife protection areas.

However, there is room for improvement in the current approach. Transitioning towards outcomes-based legislation can enhance flexibility, transparency, and accountability. This shift would allow for more adaptive and efficient use of resources, reducing unnecessary regulatory burdens while still achieving desired outcomes.

Questions

- a. Do you support the Companion Animals Act being amended to focus more on encouraging responsible pet ownership outcomes over strict compliance processes?
- b. How can responsible pet ownership education be used to manage menacing or dangerous dogs?
- c. How could the legislation be improved to motivate better dog owner behaviour and encourage owners to manage their dogs more responsibly? (For example, what does responsible dog control in public look like?).
- d. How could the legislation be improved to motivate better cat owner behaviour and encourage owners to manage their cats more responsibly? (For example, cat containment).
- e. Are there other matters that should be considered?

2. Compliance and enforcement role of councils

There are times when people do not meet their obligations as responsible pet owners. This can happen for a variety of reasons, including some that may be beyond their control.

This is why education is important, and why the Government is looking to move to an outcomes-based regulatory framework. This would allow councils and other enforcement agencies to be more responsive to individual circumstances, and to design responses that help keep owners and their pets together. However, this isn't always possible, which is why issues of welfare and rehoming form the third focus area below.

On the other hand, some owners are simply irresponsible, and this has a negative impact on community safety and liveability, our public spaces and the environment. Our regulatory framework needs to empower enforcement agencies to be responsive to individual circumstances, but it also needs to give them enforcement measures that match the seriousness of offences.

Councils in NSW are responsible for implementing the legislative framework for companion animals. This is through both an administrative function (processing registrations, change of ownership, data reporting, education) and a compliance and enforcement function. Council enforcement officers, including rangers, are employed to investigate reports and complaints, seize animals, and administer penalties.

Council-authorised officers carry out compliance and enforcement functions such as:

- investigating reports of dogs at large and dog attacks or acts of aggression
- issuing declarations for dangerous, menacing or restricted dogs
- seizing companion animals
- issuing penalty notices
- reuniting lost pets with owners.

However, issues within this framework include:

- the need for increased consistency around council policies and procedures
- whether current offences, penalties, and fines remain adequate for modern companion animal management
- challenges implementing laws around dangerous and restricted dogs
- ambiguity resulting in varying interpretations of the legislation by rangers.

Recent recommendations from coronial inquests into fatal dog attacks have also highlighted areas for improvement. This includes reviewing the suitability of statutory provisions under the Companion Animals legislative framework.

Questions

- a. What changes to NSW laws, regulations, codes or guidelines could be provided to councils and other enforcement authorities to better support responsible pet ownership?
- b. How could NSW laws, regulations, codes or guidelines be improved to support councils to better manage dangerous and restricted dogs?
- c. Are the current enforcement provisions under the Act (including penalties for offences - see Appendix B of the discussion paper) appropriate? If not, what enforcement provisions should be changed?
- d. Are there other compliance and enforcement matters that should be considered?

3. Companion animal population and rehoming

Sadly, irresponsible pet ownership compromises the welfare of companion animals. Pet dogs and cats can come to harm, or end up in our council pounds and rehoming organisations. We know that with increased rates of pet ownership, the current cost of living crisis, a COVID lockdown-era generation of unsocialised dogs and a post-lockdown return to more typical living patterns means that the rehoming system is experiencing unprecedented levels of demand.

Under the current framework councils are required to provide pound services. Over time, there has been a significant and welcome shift in pound operations from a high rate of euthanasia to actively encouraging rehoming, while providing state-of-the-art facilities for impounded dogs and cats. This evolution has led to higher standards in the design and operation of pound facilities, ensuring they are more humane and conducive to the well-being of the animals.

Modern pounds focus on creating environments that reduce stress and improve the quality of life for animals during their stay. Additionally, the length of stay for animals in these facilities needs to be balanced against the prospects for rehoming, with the goal of minimising the time animals spend in pounds to maximise chances for rehoming.

It is encouraging to see innovative approaches being developed to prevent companion animals from entering the pound system and making impounding an option of last resort. This includes initiatives like supporting owners through a temporary crisis that is impacting their ability to properly care for their pet cat or dog. In the past, the only option was for owners to surrender the animal – a traumatic experience for both the owner and the animal.

The NSW Government has long promoted the message of ‘adopt not shop’. Legislative changes have been made in recent years to encourage prospective owners to do just that. Incentives include free registration for companion animals adopted from a pound or designated rehoming organisation. However, despite the best efforts of the dedicated staff and volunteers of our pounds, rehoming and rescue groups, which has seen the euthanasia rate of otherwise healthy animals steadily trend downwards, there are still too many animals for which appropriate homes cannot be found.

This review of the Companion Animals Act and Regulation will carefully consider the findings and recommendations of the Parliamentary inquiry into pounds in NSW. The Office of Local Government is also actively reviewing all the submissions made to that inquiry to better understand the current issues facing the pounds and rehoming sector.

In addition, the review, repeal and replacement of the *Impounding Act 1993* with the *Public Spaces (Unattended Property) Act 2021* will be considered. Changes were made to broaden the concept and nature of what were ‘pounds’. They have gone from being specific facilities managed by authorities for the purposes of taking possession of items and animals left unattended in public places to places appropriate for the care of animals.

Questions

- a. What more could be done to reduce stray and homeless cats and dogs in NSW?
- b. What changes can be made to NSW laws, regulations, codes or guidelines to reduce the number of companion animals entering the pound and rehoming system in the first place?
- c. For companion animals needing to enter the ‘pound’ system, what could be done to increase rehoming?
- d. Are there other dog and cat population and rehoming matters that should be considered?

Privacy Notice – Companion Animal Act Review consultation

When you give us your feedback, the Office of Local Government will be collecting some personal information about you, in particular:

- your name
- your email address
- the name of your organisation (if provided)
- any personal information you decide to put in the additional comment fields

All feedback received through this consultation process may be made publicly available. Please do not include any personal information in your feedback that you do not want published.

This information is being collected by the Office of Local Government as part of the Companion Animal Act Review to help the Government develop new legislation. As part of that process, we may need to share your information with people outside the Office of Local Government, including other public authorities and government agencies. We may also use your email contact details to send you notifications about further feedback opportunities or the outcome of consultation.

You should also be aware there may be circumstances when the Office of Local Government is required by law to release information (for example, in accordance with the requirements of the *Government Information (Public Access) Act 2009*). There is also a privacy policy located on the Office of Local Government's website that explains how some data is automatically collected (such as your internet protocol (IP) address) whenever you visit the Office of Local Government's website. The link to that policy is www.olg.nsw.gov.au/privacy

Appendix A - Penalty notice offences under the Companion Animals Act

Schedule 1 Penalty notice offences

(1) For the purposes of section 92 of the Act —

- a. (a) each offence specified in this Schedule is an offence for which a penalty notice may be issued, and
- b. (b) the amount payable under any such penalty notice is the amount specified in this Schedule for the offence.

(2) If the reference to a provision in this Schedule is qualified by words that restrict its operation to specified kinds of offence or to offences committed in specified circumstances, an offence created by the provision is an offence for which a penalty notice may be issued only if it is an offence of a kind so specified or is committed in the circumstances so specified.

Table 1. Offences under the *Companion Animals Act 1998*

Provision	Penalty
Section 8 (3): a. in the case of a dangerous, menacing or restricted dog b. in any other case	a. \$1,320 b. \$180
Section 8 (4): a. in the case of a dangerous, menacing or restricted dog b. in any other case	a. \$1,320 b. \$180
Section 9 (1): a. in the case of a dangerous, menacing or restricted dog b. in any other case	a. \$1,320 b. \$330
Section 10: a. in the case of a dangerous, menacing or restricted dog b. in any other case	a. \$1,320 b. \$305

Provision	Penalty
Section 10B (2): a. in the case of a dangerous, menacing or restricted dog b. in any other case	a. \$1,320 b. \$305
Section 11 (1) (but only in relation to the matters referred to in section 11 (1) a, b, c or d(1): a. in the case of a dangerous, menacing or restricted dog b. in any other case	a. \$1,320 b. \$180
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
Section 12 (2): a. in the case of a dangerous, menacing or restricted dog b. in any other case	a. \$1,320 b. \$180
Section 12A (1)	\$220
Section 13 (2): a. in the case of a dangerous, menacing or restricted dog b. in any other case	a. \$1,760 b. \$330
Section 14 (2): a. in the case of a dangerous, menacing or restricted dog b. in any other case	a. \$1,760 b. \$330
Section 15 (2)	\$180
Section 16 (1) (but only in the case of a dog that is not a dangerous, menacing or restricted dog)	\$1,320
Section 20 (1)	\$275
Section 29 (3)	\$180

Provision	Penalty
Section 30 (2)	\$180
Section 31 (5)	\$165
Section 32A (5)	\$275
Section 36 (1)	\$1,320
Section 51 (2)	\$1,760
Section 52A (1)	\$1,760
Section 52B (1)	\$1,760
Section 56 (2)	\$1,760
Section 57A (1)	\$1,760
Section 57B (1)	\$1,760
Section 57C	\$1,760
Section 58B (1)	\$1,320
Section 60 (1)	\$330
Section 61 (1)	\$330
Section 62 (1)	\$660
Section 69G (2)	\$330
Section 76 (1)	\$330

Table 2. Offences under the Companion Animals Regulation 2018

Provisions	Penalty
Clause 6 (1)	\$330
Clause 6 (2)	\$180
Clause 34 (3)	\$220
Clause 39 (1)	\$180