

Companion Animals Guideline 1

REGISTRATION AGENTS



June 2020

COMPANION ANIMALS GUIDELINE 1 – REGISTRATION AGENTS

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ISSN 978-1-922001-87-0

Published June 2020

Produced by the Office of Local Government, NSW Department of Planning, Industry and Environment

Document control

Author:	Director, Sector Performance & Intervention Office of Local Government NSW Department of Planning, Industry and Environment
Date of original endorsement:	30/06/2020
Date of effect:	01/07/2020
Date last modified:	NIL
Date for review:	2021
Document version number:	1

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1 Introduction

1.1 Purpose and scope

- 1.1.1 The NSW Government understands the importance of pets to families and is committed to supporting responsible pet ownership. Responsible pet owners make sure their cats and dogs are identified, registered and, in most cases, desexed. This protects pets and ensures owning a cat or dog is a safe and enjoyable experience.
- 1.1.2 Pet cats and dogs must be registered on the NSW Companion Animals Register (the Register). This happens once and remains in place for the lifetime of that animal, although registration details must be kept up-to-date as they change over time.
- 1.1.3 This Guideline sets out the procedures to be followed by registration agents in exercising their functions to ensure each pet is properly registered. It covers the registration process, different types of registration and the responsibilities of each agent to manage registration information on the Register and NSW Pet Registry (Pet Registry)
- 1.1.4 It does not cover specific responsibilities that apply to people with access to the Register to use that access responsibly and to manage privacy.

1.2 Status and application

- 1.2.1 This Guideline is issued by the Deputy Secretary, Local Government, Planning and Policy (Deputy Secretary) under clause 13(3) of the *Companion Animals Regulation 2018* (the Regulation). It sets out the procedures that must be followed by all registration agents in exercising their functions. It also provides necessary context to explain these procedures.
- 1.2.2 Each council in NSW is a registration agent. The Deputy Secretary may also appoint any other person or body to be a registration agent – over time, this power has been used to provide pet owners with further ways to register in their local area.
- 1.2.3 Previously, guidance for registration agents formed part of the *Guideline on the Exercise of Functions* under the *Companion Animals Act 1998* (CA Act). To the extent that that document dealt with registration agents it is no longer in force and has been replaced by this Guideline.

1.3 How to read this Guideline

- 1.3.1 This Guideline does not provide legal advice and is not intended to be an exhaustive statement of the law. It is also not a substitute for reading the legislation. If a staff member of a registration agent has any concerns, they should seek advice from a supervisor, manager or other appropriate council officer or, in some cases, be guided by independent legal advice.

2 Registration agents in NSW

2.1 Appointment

- 2.1.1 All local councils in NSW are automatically registration agents. In addition, the Deputy Secretary, may appoint any other person or body as a registration agent under clause 13(2) of the Regulation.

2.2 Roles and responsibilities

- 2.2.1 All roles and responsibilities of registration agents must be undertaken consistent with relevant laws, this Guideline and any other guidelines.
- 2.2.2 Registration agents must make sure that all staff and contractors accessing the Register or dealing with companion animal issues are familiar with this Guideline and use it in conjunction with their own internal policies and procedures.
- 2.2.3 Registration agents are responsible for ensuring, as far as possible, that full and accurate registration information about animals and their owners is entered on the Register and maintained as that information changes over time.
- 2.2.4 They are also responsible for receiving registration and other fees paid to the agent by pet owners and ensuring those monies are banked and remitted on a monthly basis to the Office of Local Government (OLG), who administer the Companion Animals Fund.
- 2.2.5 If a registration agent or their staff has access to the Register, this information should be directly entered on to the Register by the agent or staff. Otherwise, the information should be checked and submitted for entry as agreed with the Office of Local Government (OLG).
- 2.2.6 Councils and other registration agents should also provide reasonable assistance to each other and to other organisation's and individuals that have functions under the CA Act. This may include, for example:
- veterinarians and other authorised identifiers
 - bodies that represent recognised breeders
 - rehoming organisations
 - other local authorities, including NSW Police
 - animal welfare enforcement agencies, and
 - OLG.

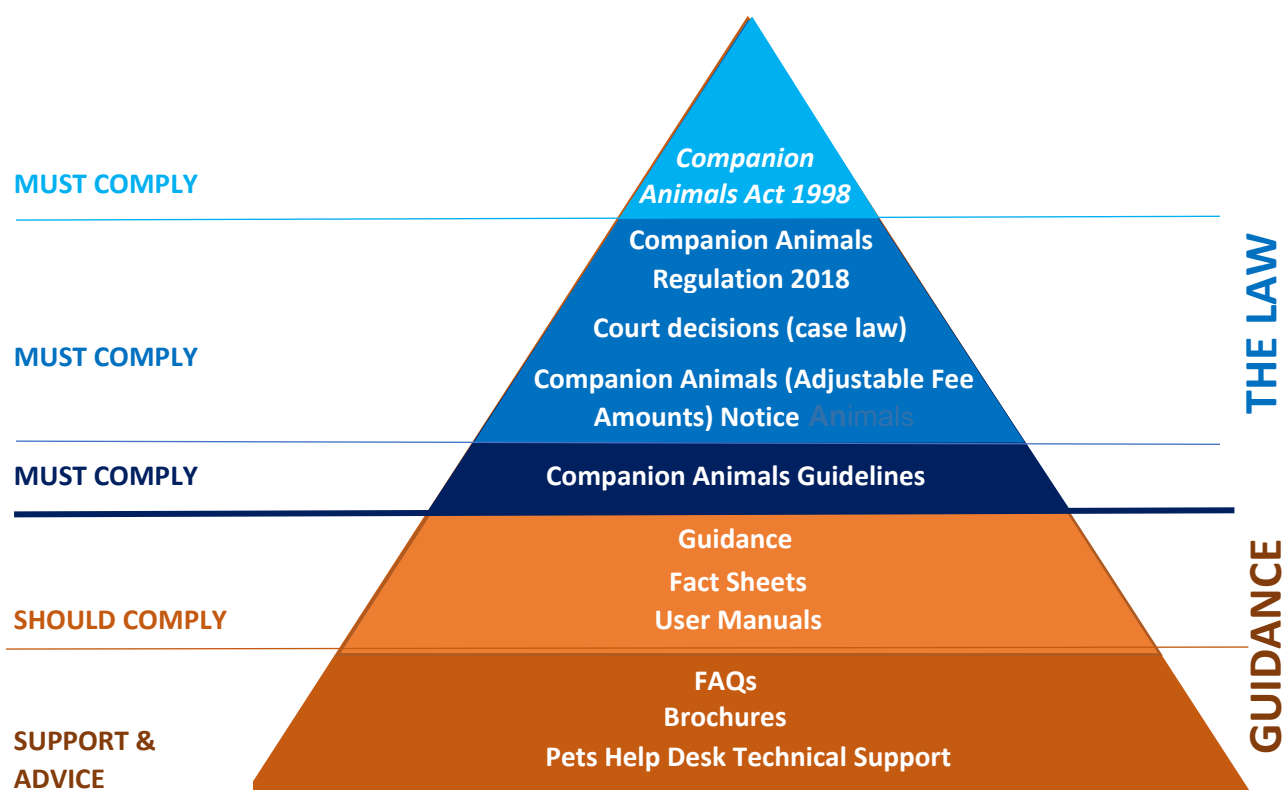
This means that registration agents that are able to do so, must create and update Register records if vets, other authorised identifiers or pet owners cannot do so. For example, it is not acceptable for councils to refuse to assist pet owners to update their records just because pet owners can change their records on the NSW Pet Registry online.

This includes but is not limited to change of address, change of ownership, notify missing, found or deceased animals and processing payment of registration and annual permit fees. Officers should take care to protect personal information.

Payments to councils from the Companion Animals Fund can only be used for the purposes that relate to the management and control of companion animals, and that this should cover the cost of processing companion animals' forms. It is OLG's expectation that no additional fees should be applied to the input of animal and ownership records into the Register.

- 2.2.7 Registration agents must comply with relevant laws in performing their functions. This includes the CA Act, the Regulation and the *Companion Animals (Adjustable Fee Amounts) Notice*. All cats and dogs in NSW are 'companion animals' for the purposes of these laws.
- 2.2.8 As laws change over time, care must be taken to refer to current versions. Registration agents are responsible for keeping up-to-date with the current provisions of the CA Act and the Regulation which can be viewed at www.legislation.nsw.gov.au. This Guideline is available on OLG's website at www.olg.nsw.gov.au, and the NSW Pet Registry at www.petregistry.nsw.gov.au. Figure 1 outlines the companion animals' framework.
- 2.2.9 OLG also issues Circulars to Councils from time to time about specific issues. Registration agent officers dealing with companion animals should be familiar with these Circulars. Circulars are available on OLG's website at www.olg.nsw.gov.au.

Figure 1. Sources of duties for registration agents: Companion Animals Framework



- 2.2.10 Registration agents that are councils may delegate their registration functions to agents but must ensure that the agent is familiar with and acts in accordance with this Guideline – especially maintaining standards of privacy and confidentiality.

2.2.11 If such an arrangement is in place, councils remain responsible for the exercise of registration agent functions under relevant legislation and the Guideline. They must also collect registration monies from their agents and include all monies in their monthly remittance. For more details, see section 5.8 of this Guideline.

2.3 Privacy and confidential information

2.3.1 Registration agents must comply with their legal obligations to protect the privacy of the personal information they hold and their legal obligations under the CA Act and the *Privacy and Personal Information Protection Act 1998*.

2.3.2 Any conflicts between Acts of Parliament and this Guidelines should be interrupted in favour of the relevant Act. Compliance with this Guideline is not a defence to non-compliance with the relevant Act.

2.3.3 Section 89 of the CA Act also applies to registration agents and their staff. Under section 89, certain information must be treated as confidential and protected from general disclosure. Particular care must be taken with suppressed information – see further below.

2.3.4 This applies whether the information is obtained directly or indirectly i.e. whether or not the person personally accessed the Register or the Pet Registry.

Confidential information

2.3.5 The table below provides some examples of this information to help identify what information should be treated as confidential. It should not be used in place of legal advice.

Confidential information	Example
Information contained in the Companion Animals Register	The name, address or phone number of a pet owner or breeder on their profile
Information acquired from the Companion Animals Register	A printed report about dog attacks in a local government area
Information obtained in connection with the administration or enforcement of the CA Act or the Regulation	The date of birth of a pet owner provided as part of applying to identify or register a pet, whether by phone, in person or in writing

Permitted uses

2.3.6 *Confidential information* pursuant to section 89 of the CA Act may be used for certain permitted uses. These uses are:

- a) for, or in connection with, the lawful exercise of functions under the CA Act
- b) as authorised or required by Division 3 of Part 9 of the CA Act [Access to the Register] if done in accordance with Guidelines issued by OLG
- c) as authorised or directed by the Deputy Secretary, and
- d) to list identification or registration information on a prescribed database with the consent of the pet's owner.
- e) disclosure is required by law – for example, under a subpoena

- f) disclosure is to the Independent Commission Against Corruption, Australian Crime Commission, NSW Crime Commission or the NSW Ombudsman, or
- g) disclosure of the name of a pet owner to a person who seeks that information for the purpose of bringing legal proceedings against the owner in respect of the animal's behaviour the person has requested the disclosure of that information in writing, and the animal's behaviour concerned has been reported to a police officer or a council.

Note: This request may be made by a person's legal representative.

Suppressed information

- 2.3.7 Confidential information must be treated with particular care if the information entered on the Register is marked as suppressed.
- 2.3.8 This status can be applied to records that contain the personal details of a pet owner where that person has requested that the information be kept confidential and the Deputy Secretary is satisfied that the request is made because the person is concerned that disclosure of the information could jeopardise the safety of the person or any member of the person's family.

Misuse of information

- 2.3.9 In relation to confidential information, if a person is not undertaking a permitted use, he or she must not:
 - use, or access (or attempt to access) it
 - allow another person to have access to it or directly or indirectly disclose or pass it to any other person
 - directly or indirectly make a record of it
 - alter, delete, destroy or interfere with any record of that information, or
 - make any entry in the Register.
- 2.3.10 If a person breaches section 89 of the CA Act, they commit an offence. The maximum fine is \$2750 for matters relating to confidential information, or, \$11 000 if the information is suppressed. Access to the Register may also be withdrawn and other action may be taken, such as civil action or enforcement of other laws.

Record keeping

- 2.3.11 Registration agents must retain all records for at least two years and not more than five years from the date they were created, in accordance with the *State Records Act 1998*. This includes:
 - identification and registration information
 - requests to change Register records
 - notice of certain changes and events under section 11 of the CA Act
 - logbooks or notes made about companion animal matters, and
 - reports generated from the Register or other information obtained from the Register.
- 2.3.12 For further information, councils should have regard to *Part 2: The General retention and disposal authority: local government records (GA39)*, which is available on the

State Archives and Records Authority of NSW website at www.records.nsw.gov.au/recordkeeping.

- 2.3.13 Companion animal records (other than suppressed records) may be kept in the possession or custody of a registration agent or other suitable person, such as a commercial storage provider. Suppressed information may only be kept in the possession or custody of:
- the General Manager, Executive or Public Officer of a council, or
 - a nominated senior officer of another registration agent.
- 2.3.14 Registration agents must ensure (or make arrangements to ensure) the confidentiality, safe keeping, proper preservation and due return or disposal of these records. This applies whether or not the records are in their custody. This means they must not:
- abandon, dispose of or delete the records except as indicated by this Guideline
 - take or send the records out of NSW
 - damage or alter the records
 - neglect proper storage in a way that causes or is likely to cause damage to records, or
 - compromise the confidentiality of personal information in the records.
- 2.3.15 Records must be disposed of in a way that prevents against loss, unauthorised access, use, modification, disclosure and other misuse of data. Secure shredding is appropriate disposal.
- 2.3.16 Registration agents must, on request, supply the Deputy Secretary with information collected, generated or accessed in the exercise of their functions.

2.4 Removal of registration agents

- 2.4.1 Under clause 13 of the Regulation, the Deputy Secretary may revoke the appointment of a person or body as a registration agent.
- 2.4.2 Before revoking an appointment, the Deputy Secretary must:
- notify the person or body of the proposed action
 - give a reasonable opportunity to make submissions in respect of the proposed action, and
 - have due regard to any such submissions.
- 2.4.3 Once this has occurred, the Deputy Secretary may revoke the appointment of a registration agent at any time by service of written notice. This notice takes effect on the date of service or any later date specified in the notice.

3 Lifetime identification and registration

3.1 Overview of lifetime registration

- 3.1.1 All cats and dogs, other than exempt cats and dogs, must be registered on the Register. Registration only occurs once and remains in place for the life of that animal even if the owner changes. Registration information, like the owner's address, must be kept up-to-date as it changes over time.
- 3.1.2 To be registered, an animal must be identified and registered, and the owner must have paid any relevant registration fees due at that time. These fees contribute to the Companion Animals Fund, which is managed by the Deputy Secretary.

3.2 The Companion Animals Register and NSW Pet Registry

- 3.2.1 Since 1998 OLG has administered the Companion Animals Register, a State-wide database of information about cats and dogs and their owners, for the purposes of supporting councils to undertake their functions under the CA Act.
- 3.2.2 Only certain authorised users have access to the Register – this protects the privacy of pet owners and breeders. Historically, other people that had a role to play but could not directly enter information to the Register, such as pet owners, completed paper forms that were then completed by councils.
- 3.2.3 In August 2016 the NSW Pet Registry was created to supplement the Register. The NSW Pet Registry provides an online portal that enables pet owners, vets and other authorised identifiers to undertake certain key functions. Many pet owners can also register their pets online through Service NSW.

3.3 Companion animals that must be identified

- 3.3.1 Cats and dogs in NSW that are required to be Registered must first be identified under the CA Act. This means that animals that do not need to be registered do not need to be identified. This does not exempt animals that need to be registered but at no cost (see 4.1 below).
- 3.3.2 In addition, animals are exempt from identification if a vet has stated in writing, before the animal was 12 weeks of age, that identification as required would constitute a serious health risk to the animal.
- 3.3.3 An animal can be identified in NSW (i.e. an animal record created on the Register) if a *recognised microchip* was implanted outside of NSW if the microchip was implanted consistent with the Regulation, has a unique identification number and functions properly.

3.4 The identification process

- 3.4.1 An animal cannot be registered unless it has been identified. The process involves a veterinarian or other authorised identifier implanting an approved type of microchip

into the animal between the shoulder blades and completing the following *identification information*:

- the unique identification number of the microchip of the animal being identified, and, if entered through the Pet Registry, the female parent of the animal being identified (if known)
- the name of the authorised identifier and his or her accreditation number (if any)*
- the date of identification
- the address of the place where the animal is ordinarily kept
- the type and breed of animal
- the animal's known, or approximate, date of birth
- the animal's sex, colour and any unusual or identifying marks, and
- the full name and address of the owner (as it appears on their driver licence), and telephone number.

(If the identity of the authorised identifier is unable to be established, agents can use the three specified 'dummy numbers' outlined below. These numbers should only be used as a substitute for an actual authorised identifier number if the registration agent has made reasonable attempts to find out the actual number. Use of the 'dummy numbers' is audited by OLG to ensure they are being used correctly and appropriately.*

The 'dummy numbers' to be used are a) V0003825 – for animals implanted before 1 July 1999. b) V0003957 – for animals implanted after 1 July 1999, but the implanter is from outside NSW. c) V0004178 – for animals implanted after 1 July 1999 in NSW, but the authorised identifier is unable to be identified.)

- 3.4.2 A pet must be identified by 12 weeks of age, or before it is sold, whichever is earlier. If identification information is not entered directly to the Register, a council must undertake this task if the pet's owner has a permanent address in their local government area.
- 3.4.3 The pet's owner details should be recorded as the name of their first owner, which will usually be the person who owns the animal that gave birth to it ('the breeder')
- 3.4.4 An Authorised Identifier will provide a pet owner with a copy of the Permanent Identification (P1A) form at the time of identification. An identification certificate recording the owner's details can be provided once this information is entered into the Register. This is separate to a registration certificate which is issued when an animal is lifetime registered (Section 3.5.4).
- 3.4.5 Properly completed identification information submitted to a council should be entered as soon as possible, preferably within 7 days, to allow for the registration process.

3.5 The life-time registration process

- 3.5.1 To register an animal a pet owner must make an application to register the animal, setting out certain information and pay for any registration fees that apply.

- 3.5.2 These two steps, identification and registration, may happen at the same time. For example, if a person has no intention of de-sexing an animal or is a recognised breeder keeping the animal for breeding purposes. However, in many cases a pet owner will choose to wait to pay registration fees until after their animal is de-sexed (up to 6 months of age).
- 3.5.3 Applications should include this *registration information*, where relevant:
- *identification information* for the animal (see 2.3 and 3.4 above) except the details of the authorised identifier and date of identification, if the owner does not know
 - the contact details (as it appears on their driver licence) for the owner and any other relating to the owner required by the Deputy Secretary
 - whether or not the animal is desexed
 - for a dog – whether the animal is dangerous, menacing and/or restricted and, if so, on what date the relevant order or declaration was made or took effect
 - the date of registration, and
 - if registration was cancelled and reinstated, the date of reinstatement.
- 3.5.4 Pet owners that have registered an animal must then receive a registration certificate.

Getting registration right

Correct registration information makes sure that lost pets are safely returned to their owners and provides councils and other agencies with the information they need to support pet owners to do the right thing and to promote responsible pet ownership.

4 The requirement to register

4.1 Animals that need to be registered

- 4.1.1 A companion animal is defined in the CA Act to include a dog (including a dingo or dingo hybrid), a cat and any other animal prescribed by the Regulations. No other animal is prescribed. No other type or species of animal should be registered.

Dingoes and dingo hybrids

In January 2012 the CA Act was amended to clarify that the definition of dog includes *Canis lupus dingo*, *Canis familiaris dingo*, *Canis dingo* and hybrids. Dingoes and hybrid breeds of dog should therefore be identified and registered like all other dogs.

- 4.1.2 The fact that an animal is not strictly a “companion” does not prevent it being a companion animal for the purposes of the CA Act. All dogs are treated as companion animals, even working dogs on rural properties, guard dogs, police dogs and corrective services dogs.

Racing and pet greyhounds

Greyhounds that are owned by a participant in the racing industry, whether or not they are racing, are to be registered with the Greyhound Integrity and Welfare Commission. If a greyhound is not owned by a racing industry participant it is treated like any other dog and must be registered on the Register.

- 4.1.3 Animals ordinarily kept in NSW must be registered on the Register. If an animal moves from interstate or overseas, it must be kept in NSW continuously for a period of at least three months before registration is required.
- 4.1.4 A person or a corporation can be the owner of an animal. In the case of a person, they must be over the age of 18 years. More than one person can be the registered owner.

Note: While the NSW Pet Registry only permits one owner, with a secondary contact, if there are multiple owners the details should be entered on the Companion Animals Register by Council.

4.2 When an animal must be registered

- 4.2.1 *Identification information* for a cat or dog must be provided by the time the animal is 12 weeks old, or before it is sold, whichever is earlier. *Registration fees* for an animal must then be paid before the animal reaches 6 months of age. Dogs that are menacing, dangerous or restricted, or proposed to be declared, must be registered within specified timeframes (Section 4.4.4).

Some animals are first registered later in life. This may occur if:

- a previous owner failed to register the animal, as required by law
- the animal was not previously kept in NSW e.g. from another State, or
- the animal was exempt from registration and has lost that exemption.

4.2.2 Registration can be cancelled if the correct registration fee has not been paid – refer clause 19 of the Regulation.

4.3 Animals that do not need to be registered

4.3.1 A cat or dog does not need to be registered in the following three circumstances.

a) If it is not required to be identified

4.3.2 An animal that is not required to be identified does not need to be registered. This applies to a cat or dog if a vet certified in writing, before the animal was 12-weeks of age that identification of the animal as required would constitute a serious health risk to the animal.

b) When a registration application is pending

4.3.3 Once a registration application has been properly made to a registration agent and any registration fee payable is paid, a person cannot be penalised for failing to register that pet.

c) If a general exemption applies

4.3.4 Animals that are generally exempt from registration are set out in the table below.

Exemption	Criteria
Older cats	A cat born before 1 July 1999 if the owner has not changed since that time
Interstate pets	An animal that is ordinarily kept outside NSW and that has not been continuously in NSW for a period of at least three months
Pets being rehomed	An animal that is in the custody of one or more rehoming organisation's for a total period not exceeding 12 months
Research animals	An animal in the custody of an accredited research establishment within the meaning of the <i>Animal Research Act 1985</i> , or the holder of an animal research authority or an animal supplier's license within the meaning of that Act, for purposes in connection with animal research, as authorised under that Act.
Exhibited animals	An animal kept at a licensed animal display establishment within the meaning of the <i>Exhibited Animals Protection Act 1986</i> and lawfully exhibited in accordance with that Act
Working dogs	A dog that is: <ol style="list-style-type: none"> 1. used primarily for the purpose of droving, tending, working or protecting stock, including a dog being trained as a working dog, AND 2. is ordinarily kept: <ul style="list-style-type: none"> • in a part of the Western Division of NSW that is not within a local government area (the Unincorporated Area), or • on land categorised as farmland for the purposes of Part 3 of Chapter 15 of the <i>Local Government Act 1993</i>.

	<p>Owners of these working dogs are encouraged to voluntarily register their valuable animals. If they choose to, there is a zero cost registration category available.</p> <p>All other working dogs that are not exempted under clause 17 of the Regulation must be microchipped and registered in accordance with the Act.</p>
Greyhounds	<p>A greyhound is exempt from the requirement to register if it is:</p> <ul style="list-style-type: none"> • owned by a racing industry participant and registered under the <i>Greyhound Racing Act 2017</i>.

4.3.5 The following table sets out those animals that are exempt from paying registration fees but must be microchipped and registration information entered on the Register.

Exemption	Criteria
Police dogs	A dog that is ordinarily used by a police officer on official duty.
Corrective services dogs	A dog that is being used on official duty by a correctional officer (within the meaning of the <i>Crimes (Administration of Sentences) Act 1999</i>).
Commonwealth officers' dogs	A dog used by a Commonwealth officer on official duty. Examples include customs dogs and dogs used by emergency services for rescues.
Assistance animals	<p>A dog or cat that was bred for the purpose to be an assistance animal, such as Guide Dogs.</p> <p>(Note: This should not be confused with animals that are registered by six months as required and then subsequently trained to be an assistance animal. Further advice in 5.5.3)</p>

4.4 When an animal might lose an exemption

4.4.1 Animals that are entitled to exemptions from registration may lose that entitlement under certain circumstances or it may expire. This can occur in two circumstances, as set out below.

a) Dogs that are menacing, dangerous or restricted, or proposed to be declared

4.4.2 A dog that is restricted, or proposed to be restricted, must be registered within 7 days of its owner being notified. This overrides any other exemption.

4.4.3 A dog that is menacing or dangerous, or proposed to be declared under a Notice of Intention, must be registered within 7 days. This overrides any other exemption.

Note: Authorised officers may seize proposed dangerous, menacing or restricted dogs for the purpose of ensuring that they are microchipped, and lifetime registered, regardless of the 7-day notice period.

b) Animals that are the subject of a nuisance order that requires registration

4.4.4 An animal that would usually be exempt from registration must be registered if a nuisance order has been issued in relation to it and that order requires that the animal be registered by a certain time.

4.5 Requirement for Registration of lost and Impounded animals

- 4.5.1 A companion animal not otherwise required to be registered under the Act that is taken into the custody of a council pound or an approved animal welfare organisation must be registered under the Act before it is returned to its owner from that custody. – refer clause 25 of the Regulation.

For pets younger than six months, prior to it being returned to its owner, registration must be paid in accordance with the desexing status and requirements of the animal when it was taken into custody of the facility.

5 Registering cats and dogs

5.1 Handling applications for registration

- 5.1.1 Pet owners may apply to register their pets directly online through the NSW Pet Registry and Service NSW or by making an application through a registration agent.
- 5.1.2 It is an offence if a person gives information or makes a statement in or in connection with an application for registration, that they know is false or misleading. This can attract a maximum penalty—8 penalty units under section 71(4) of the CA Act.
- 5.1.3 Councils must accept applications for registration made using the prescribed *Lifetime Registration - R2* form. **If a registration agent has access to the Register, data entry of this form must be completed within 7 days.**
- 5.1.4 Some registration agents also enable registration information to be provided through a separate online portal. Digital transfer of this information must occur by the next working day or any other period agreed with OLG in writing.

5.2 When registration fees must be paid

- 5.2.1 After an animal is identified and registration information is recorded, all registration fees must be paid by the owner. Registration fees must be paid for cats and dogs before they reach 6 months of age.
- 5.2.2 While identification and registration information must be recorded by the time the animal is 12 weeks old, at the latest, registration and any permit fees do not have to be paid at that time because:
 - registration fees for dogs and annual permit fees for cats are based on whether an animal is desexed, and
 - animals should be desexed early but cannot be desexed until they are of a size where it can be safely desexed under an anaesthetic by a vet.

Importance of desexing

- 5.2.3 The NSW Government is strongly committed to promoting the desexing of cats and dogs. This reflects the need to prevent unwanted litters of puppies and kittens and improve animal welfare by reducing abandonment and euthanasia. In particular, pet owners are encouraged to desex their pets as early as possible, in consultation with their vet.
- 5.2.4 Given this commitment, registration fees are significantly discounted for owners that desex their companion animals by a specified desexing age (see further below).
- 5.2.5 While it is important that as many animals as possible are desexed, there are animals that are deliberately kept for breeding or cannot be desexed for medical or other reasons.

5.3 Current registration fees

- 5.3.1 The Regulation lists the registration and annual permit fees that apply to each registration category. Importantly, however, each of these fee types are updated each financial year to reflect movements in the Consumer Price Index (CPI).

Important changes to registration fees for cats from 1 July 2020

From 1 July 2020 registration fees for all cats will be the same but an additional annual permit will be required for a cat that is not desexed by 4 months of age. At the same time, a one-off \$10 reduction in registration fees will be implemented.

- 5.3.2 Current registration and annual permit fees are in the current *Companion Animals (Adjustable Fee Amounts) Notice*. This document may be located on the NSW Legislation website at www.legislation.nsw.gov.au.
- 5.3.3 Registration agents cannot alter the fees set out in the Notice. The full fee set for each category of registration must be remitted to OLG. If a council wishes to provide a subsidy for a certain class of people, this must be treated as a community service obligation and funded from consolidated revenue.

5.4 When an animal must be de-sexed

- 5.4.1 To be eligible to pay for discounted registration for a desexed dog, or, for a cat registered before 1 July 2020:
1. the animal must have already been desexed at the time of payment, **or**
 2. if, before the animal reaches the desexing age, a vet has specified in writing:
 - a) that the animal should not be desexed until an age specified by the vet, **or**
 - b) desexing the animal would constitute a serious health risk to the animal.

Desexing age for registration

The desexing age for:

- a dog is 6 months of age
- a cat is 4 months of age, if it was born on or after 4 July 2016, and
- a cat is 6 months of age, if it was born before 4 July 2016.

- 5.4.2 From 1 July 2020, before processing a registration payment, a registration agent must:
- ensure that the animal is recorded on the Register as being desexed, if relevant, **or**
 - sight proof of desexing, such as a letter, certificate or clear receipt from a veterinarian showing the microchip number and date of desexing, or a statutory declaration from the owner that the animal has been desexed.
- 5.4.3 To claim the desexed registration category, an animal must be permanently incapable of reproduction. There are products on the market that render male dogs

temporarily unable to reproduce, but these effects are not permanent, and the animal is not considered to be desexed.

- 5.4.4 If a vet has determined that an animal should not be desexed, he or she should notify the Deputy Secretary, preferably by updating the animal’s record on the NSW Pet Registry. Otherwise, to enable the status of an animal to be updated as ‘not recommended for desexing’, the owner must provide a written statement from a vet on the vet’s letterhead which states the animal’s microchip number and the medical reason why the animal should not be desexed.
- 5.4.5 On receipt of a vet’s statement, registration agents should ensure that the status of the animal is updated on the Register.

5.5 Registration categories

- 5.5.1 The categories of lifetime registration are in section 18 of the Regulation. This provides for a base lifetime registration fee and an additional fee if a dog is not desexed, or, if a cat registered before 1 July 2020 is not desexed. The registration categories are set out in the table below.

Category	Description
Entitled to free registration	
Working dogs	Most working dogs need not be registered. If a working dog must be registered (see Section 4.3), or their owner chooses to register them, they are entitled to free registration.
Cat born prior to 1 July 1999 where ownership has not changed (when the <i>Companion Animals Act 1998</i> came into effect)	This is a historical category that reflects the transition to compulsory registration in NSW. Very few cats, if any, will be newly registered under this category.
Assistance animals	For further detail about this category see 5.5.3.
Dogs in the service of a public authority	This captures, for example, NSW Police dogs.
Greyhounds currently registered under the <i>Greyhound Racing Act 2017</i>	Greyhounds that are owned by a racing industry participant, whether or not they are racing dogs, are to be registered with the Greyhound Integrity and Welfare Commission. If an owner wants to voluntarily register their dog with the Register, they can do so for free.
Cats	
Cat - Desexed or non-desexed	Desexed or non-desexed cat
Cat - Desexed (eligible pensioner)	Desexed cat owned by an eligible pensioner
Cat - Desexed (sold by pound/shelter)	Desexed cat sold by an eligible pound/shelter
Cat - Not Desexed (not recommended)	Cat with written notification from a vet that it should not be desexed
Cat - Not Desexed (recognised breeder)	Cat not desexed and kept by a recognised breeder for breeding purposes
Dogs	
Dog - Desexed (by relevant age)	Registration fee for a dog desexed by 6 months of age

Dog - Desexed (by relevant age eligible pensioner)	Dog owned by an eligible pensioner and desexed by 6 months of age
Dog - Desexed (sold by pound/shelter)	Desexed dog sold by an eligible pound/shelter
Dog - Not Desexed or Desexed (after relevant age)	Combined registration fee and additional fee for a dog not desexed by 6 months of age
Dog - Not Desexed (not recommended)	Dog with written notification from a vet that it should not be desexed
Dog - Not Desexed (recognised breeder)	For further detail about who is a recognised breeder see further below.

5.5.2 A flowchart to help a registration agent representative work through these options with a pet owner is provided in the **Appendix**.

Assistance animals

5.5.3 Assistance animals, for the purposes of the registration category, are for animals breed to be assistance animals, such as Guide Dogs. They are trained to provide assistance to people with a disability to help alleviate the effect of that disability consistent with the Commonwealth *Disability Discrimination Act 1992*.

5.5.4 There is currently no accreditation agency or system available for the registration of assistance animals. While it should not be seen as an accreditation system, the Register is able to record the determinations regarding the status of an animal made by councils.

5.5.5 Other type of assistance animals are not to be placed on the Register as it is only for identified cats and dogs.

Person with a disability

5.5.6 Disability covers a wide range of physical and psychological conditions and includes

- total or partial loss of bodily or mental functions
- total or partial loss of a part of the body
- the presence in the body of organisms causing disease or illness
- the presence in the body of organisms capable of causing disease or illness
- the malfunction, malformation or disfigurement of a part of the body
- a disorder or malfunction that results in the person learning differently, or
- a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgment or that result in disturbed behaviour.

Assistance training

5.5.7 An assistance animal must be either

- accredited under a State or Territory law for the accreditation of animals trained to assist a person with a disability to alleviate the effect of that disability, or
- accredited by an animal training organisation prescribed by the Commonwealth, or
- trained to assist a person with a disability to alleviate the effect of that disability, and, to meet standards of hygiene and behaviour appropriate for an animal in a public place.

- 5.5.8 Neither the Commonwealth nor NSW Government accredit assistance animals. Some states including South Australia, Queensland and Western Australia have accreditation systems. Registration agents must recognise animals accredited in other jurisdictions. Training need not have occurred in NSW or even in Australia.
- 5.5.9 The law recognises that a person with a disability is entitled to train their own animal or to have their animal trained by any handler or organisation. No official assessment or accreditation framework exists that can be applied to determine whether this training meets the required standards.

Reasonable proof

- 5.5.10 Registration agents are entitled to request reasonable proof that
- the person has a disability
 - that the animal is/has been trained to alleviate the effect of the disability, and
 - that the animal is/has been trained to meet standards of hygiene and behaviour appropriate for an animal in a public place.
- 5.5.11 Councils should take care to be sensitive and respectful in seeking evidence and treat any information provided as confidential personal information.

Common forms of proof for assistance animals

It is a matter for registration agents to decide if a person has provided reasonable proof. However, it is recommended that agents always accept:

- documents that show the animal has passed a Public Access Test (PAT)
- documents that show the animal has been accepted as an assistance animal by a government agency in Australia, including via a State or Territory government-issued access card, transport pass or permit
- an assistance animal identity card, pass or permit from a training provider
- an assistance dog badge, medallion, harness, cape, coat or vest supplied by an assistance dog training organisation for that animal, for example:
 - Guide Dogs Australia (harness/medallion, NSW access card)
 - Assistance Animals Australia (blue jacket)
 - Lions Club Hearing Dogs (orange leash/collar/coat/medallion), or
 - Righteous Pups Australia (green coat)
- documents that show the animal has completed a training program that has met the standards of Assistance Dogs International [a list is maintained on the website <https://assistancedogsinternational.org> or
- recognition of a local council in Australia that the animal is an assistance animal for the purposes of registration.

Request to amend animal status after registration

- 5.5.12 If registration fees have been paid for an animal that later becomes an assistance animal, these fees cannot be refunded. However, if a registration agent is satisfied

that an animal is an assistance animal, they may add a note in the 'identifying marks' field of the animal's record. A new Certificate of Registration may be printed.

5.5.13 This officer should also note in the 'identifying marks' field on the Register the date, their initials, the registration agent's name, details of the evidence sited and a statement that he or she is satisfied that the animal is an assistance animal.

5.5.14 Further information about changing registration information is at Part 6.

Assistance in public places

5.5.15 A person is entitled to be accompanied by an assistance animal in public places and on public transport while he or she is genuinely using the animal for assistance. Entry cannot be refused without reasonable cause. An animal does not need to be registered as an assistance animal under the CA Act to be permitted access.

5.5.16 At the same time, registration as an assistance animal does not necessarily provide proof of an entitlement to use public transport. Enquiries about public transport should be referred to Transport for NSW on 131 500 or <https://transportnsw.info/travel-info/using-public-transport/travelling-with-animals-pets>

Eligible pensioners

5.5.17 A pet owner that is registering a cat or dog that has been desexed is entitled to pay discounted registration fees if he or she is an eligible pensioner under clause 18 of the Regulation.

5.5.18 To be an eligible pensioner for the CA Act, a person must be an eligible pensioner under the *Local Government Act 1993* (cl.134 *Local Government (General) Regulation 2005*).

5.5.19 A person is an *eligible pensioner* if he or she

1. receives a:
 - a. pension, benefit or allowance under Chapter 2 of the *Social Security Act 1991* of the Commonwealth, **or**
 - b. *service pension* under Part III of the *Veterans' Entitlements Act 1986* of the Commonwealth, **and**
2. is entitled to a Commonwealth Pensioner Concession Card.

Pensioner concession cards

5.5.20 A full list of people who are entitled to a Pensioner Concession Card is set out at the Services Australia website at www.humanservices.gov.au/individuals/services/centrelink/pensioner-concession-card. For example, Pensioner Concession Cards may be issued to people with the age pension, youth allowance, disability support pension or JobSeeker.

Service pensions

5.5.21 This applies to a person who:

1. has a pension from the Department of Veterans' Affairs as:
 - o a war widow or war widower under the *Veterans' Entitlements Act 1986* (Commonwealth), **or**

- the unmarried mother of a deceased unmarried member of the Australian Defence or Peacekeeping Forces, **or**
 - the widowed mother of a deceased unmarried member of the Australian Defence or Peacekeeping Forces, **and**
 - does not have income and assets that would prevent them from being granted a pensioner concession card (if they were eligible for such a card), **or**
2. received a lump sum mentioned in section 234 (1) (b) of the Commonwealth *Military Rehabilitation and Compensation Act 2004* or are receiving a weekly amount mentioned in that paragraph, and do not have income and assets that would prevent them from being granted a pensioner concession card (assuming they were eligible for such a card), **or**
 3. Receives a general rate of pension adjusted for extreme disablement under s.22 (4) of the *Veterans' Entitlements Act*, or a special rate of pension under s.24 of that Act, **or**
 4. Receives, or who at some point in their life have been eligible for, a Special Rate Disability Pension under the *Military Rehabilitation and Compensation Act*.

Reasonable proof

5.5.22 Before processing a registration payment for any desexed animal owned by an eligible pensioner, a registration agent must:

- (a) ensure that the animal is recorded on the Register as being desexed, **or**
- (b) sight proof of desexing, such as a letter, certificate or clear receipt from a veterinarian or a statutory declaration from the owner that the animal has been desexed **and**
- (a) ensure that the owner is recorded as an eligible pensioner on the Register, **or**
- (b) sight reasonable proof establishing that a person is an eligible pensioner, such as a pensioner concession card or social security documents.

5.5.23 Pensioners with entire animals (animals that are not desexed) must pay the full registration fee and annual permit (if applicable) unless they fall under some other category such as a recognised breeder.

5.5.24 A health care card or senior citizen's card does not prove that a person is an eligible pensioner.

Pets from rehoming organisations

5.5.25 Since 2015 a pet owner who has bought a desexed cat or dog from a pound or shelter has been eligible for a 50% discount on registration fees. This reflects the NSW Government's commitment to increasing rehoming and reducing unnecessary euthanasia. To be eligible for the discount, these animals must be desexed.

5.5.26 Since 31 August 2018, organisations that sell animals eligible for this discount are:

- a) council animal pounds and shelters, including a not for profit or commercial facility designated by a council as their local animal pound or shelter,
- b) shelters, pounds and similar facilities used for rehoming of animals by the RSPCA, Animal Welfare League and Cat Protection Society of NSW, and

- c) other rehoming organisations approved for this purpose by the Deputy Secretary (previously called section 16(d) organisations).

5.5.27 If an eligible pensioner purchases an animal from an eligible pound or shelter, he or she is entitled to access whichever registration category is cheaper. In each case the animal must be desexed.

Flagging animals on the Register

5.5.28 If a rehoming organisation is a registration agent, such as a council, registration will usually be completed at point of purchase.

5.5.29 If the operator is not a registration agent, or the animal is under 6 months of age, the animal should be flagged on the Register as eligible for 'pound or shelter' discounted registration.

5.5.30 The Register flag should also be applied if the animal is being transferred from a council pound or shelter to another rehoming organisation and the animal is temporarily exempt from registration fees (see 4.3 and 4.4).

Reasonable proof

5.5.31 Before processing a registration payment for an animal from a rehoming organisation, a council must:

- (a) ensure that the animal is recorded on the Register as being desexed, **or**
- (b) sight proof of desexing (which includes a microchip number), such as a letter, certificate or clear receipt from a veterinarian or a statutory declaration from the owner that the animal has been desexed (see further 4.3), **and**

- (c) ensure that the animal is flagged on the Register as being eligible for 'pound or shelter discount' registration or is in the custody of a *rehoming organisation*, **or**

- (d) sight proof that an animal has been purchased from a *rehoming organisation*, such as a receipt or other document on their letterhead provided as proof of purchase with the animal's microchip number.

5.5.32 Before processing a registration payment for an animal from a rehoming organisation, other registration agents must:

- (a) ensure that the animal is recorded on the Register as being desexed, **and**
- (b) ensure that the animal is flagged on the Register as being eligible for 'pound or shelter discount' registration or is in the custody of a *rehoming organisation*.

5.5.33 An animal must have been desexed before registration to be eligible for this discount.

Recognised breeders

5.5.34 A person that is a recognised breeder is entitled to pay registration fees for an animal they are keeping for breeding purposes as if it was a desexed animal. This registration category exists to encourage people in the business of breeding to be a member of an organisation that requires members to comply with relevant animal welfare laws and other standards.

5.5.35 A recognised breeder is a person who is a breeder member of:

- Dogs NSW (Royal NSW Canine Council)
- NSW Cat Fanciers Association
- Australian National Cats Inc. (previously the Waratah State Cat Alliance), or
- another body approved by the Deputy Secretary for this definition.

5.5.36 Guidelines for recognition of organisation's as recognised breeder bodies have been issued by OLG and may be viewed at www.olg.nsw.gov.au.

Reasonable proof

5.5.37 Registration agents that are councils can register animals for this registration category. To accept these applications, a council officer must sight:

- proof of current membership as a member of a recognised breeder body
- documentation verifying that the cat or dog is of a breed accepted by the recognised breeder body, and
- a signed statement by the member that the pet is to be kept for breeding purposes.

5.5.38 A person is not eligible for this discount only because he or she has a Breeder Identification Number, or, is a breeder subject to the *Animal Welfare Code of Practice - Breeding dogs and cats*, issued under the *Prevention of Cruelty to Animals Act 1979*.

5.6 Proof of registration

Registration certificates

- 5.6.1 Under section 72 of the CA Act, the Deputy Secretary provides the registered owner of a companion animal with a certificate showing the registration information for the animal. This must be provided at the time of registration for no additional charge.
- 5.6.2 Certificates of registration provide evidence that an animal is registered and of the registration information entered on to the Register. Information on the Register is presumed to be correct unless there is evidence to the contrary.
- 5.6.3 The Deputy Secretary can issue a replacement registration certificate if one is lost, stolen, damaged or destroyed and can charge a fee for these certificates. In practice, pet owners can obtain a replacement or up-to-date certificate online through the NSW Pet Registry or from a registration agent that has access to the Register.
- 5.6.4 The Deputy Secretary can also issue a registration certificate that certifies whether or not a particular companion animal is or was registered at a particular time and any registration information for the animal entered on the Register at a particular time. A written request can be made to the Deputy Secretary via post, or email to the OLG pets helpdesk. Urgent requests should be followed up with a phone call to the Pets Help Line.

Identification requirements

- 5.6.5 All dogs must wear a tag showing their name and the contact details of their owner – an address or telephone number. A microchip number can be engraved on the reverse side of a tag; however this can only be applied in addition to an address or

phone number. The 'Lost and Found' function on the NSW Pet Registry, which allows members of the public to advise a pet owner they have found a lost pet via a secure message, requires a microchip number.

- 5.6.6 A cat must be identified by a form of identification that enables a council or other local authority to ascertain the name of the cat and the address or phone number of the owner. This may be a collar worn around the cat's neck with an attached tag, or a microchip.

5.7 Corrections, reversals and refunds

Deleting records

- 5.7.1 An animal record on the Register should only be deleted if the microchip number is incorrect. If registration has been applied to the wrong record refer to Section 5.7.5 and remove the registration using the 'Correct or remove a registration' function. All other errors can be corrected on the existing record. Only the agent that registers an animal should remove the registration.
- 5.7.2 If a record is deleted, the correct data must be entered immediately. If the deleted record contained registration information, follow the protocols in section 6. If you are the officer who deleted or authorised the deletion of the record you are responsible for making sure this process is properly completed.

Correcting a registration fee

- 5.7.3 A registration can only be corrected or removed by an authorised user with higher Level 3 access who works for the same registration agent that registered the animal.
- 5.7.4 Registration agents should ensure that pet owners paying registration fees understand the discounts available and the requirements to qualify for those discounts. Printed material should be available at all customer service points where registration fees may be paid. Officers should inform animal owners that the material is available and where it is located.
- 5.7.5 The Register is not designed to readily enable a discount or change in registration category to be made if it has been incorrectly registered. Pet owners must ensure they understand the discounts available and the requirements to qualify before paying for registration fees.
- 5.7.6 Registration details should only be corrected when a data entry error has occurred. Reasons for removal of details include where a registration has been applied to the incorrect record, there has been a data entry error or when payment has been dishonoured.
- 5.7.7 If an animal is de-sexed after registration, a registration agent should not change the registration type on the Register from 'Non-de-sexed' to 'De-sexed' as it changes the fee due and will affect Council's invoices. The amount paid field should always equal the amount paid by the owner. The amount paid field should always equal the amount paid by the owner. Vets and Authorised Identifiers can also change an animal's desexing status on the Pet Registry after an animal has been registered.

Correcting a registration fee paid via the NSW Pet Registry or Service NSW

- 5.7.8 All registration corrections or removals where the owner has paid the registration fee online using the NSW Pet Registry or Service NSW should be referred to OLG for action.
- 5.7.9 NSW Pet Registry and Service NSW - Registration details will show the Receipt Issued By: 'Online Pet Register' or 'Service NSW'.
- 5.7.10 Registration agents should email all requests to remove an incorrect record with online pet registration to pets@olg.nsw.gov.au and include as much detail as possible – for example, the microchip number/s, pet owner's details, pet owner's online receipt, the Registration Certificate and any identification or microchip verification form.
- 5.7.11 No refunds are available once a registration fee has been processed online by the owner on the NSW Pet Registry unless the incorrect registration type was originally applied, and sufficient documentary evidence is provided to a registration agent.

Refunds for lifetime registration fees

- 5.7.12 Registration fees are paid once for an animal and cannot be wholly or partly refunded if an animal dies or is desexed later. An exception may apply if:
- a pet owner pays for lifetime registration and then notifies that the animal has died in the **same calendar month**, and
 - a council uses its discretion to process the refund.
- 5.7.13 In this case, the council's monthly financial statement will show two separate transactions for the one microchip number – that is, a registration and a removal of registration – which will cancel each other out.
- 5.7.14 If the notification of death is processed outside the same monthly accounting period as the registration fee payment, the correction will show in the next month's financial statement as an adjustment. In this case, the invoice for the month in which the registration took place will not balance. Councils should note that failure to pay the total of the monthly invoice may result in a delay to the processing of their companion animals' payment.

5.8 Transferring and reconciling registration fees

- 5.8.1 Registration agents collect registration and permit fees on behalf of OLG. These fees must be transferred to OLG for the Companion Animals Fund, a Special Deposit Account controlled and managed by the Deputy Secretary. A proportion of these funds is distributed to councils for their companion animal functions, including pounds/shelters, ranger services, dog recreation areas, and education and awareness programs.

Transfer and reconciliation process

5.8.2 OLG has established a standard process for transferring and reconciling registration fees. This enables OLG to effectively monitor collection and distribution of fees and the performance of the Register. Failure to comply with this process leads to delays in distributing monies from the Fund.

1. Agent records fees received on the Register

5.8.3 For each registration fee they collect, registration agents with access to the Register must enter the type of registration, their organisation's receipt number and the date of receipt. This must occur as soon as possible, but at least within 7 working days of receipt.

2. Agent maintains transaction records

5.8.4 Registration agents must keep appropriate records so that they can reconcile registration fees received with registrations entered on to the Register and council records.

5.8.5 Registration agents must account for all registration fees received and perform regular reconciliation of cash receipts (at least monthly) to the financial reports issued by OLG. Evidence of this reconciliation must be kept by the agent and given to OLG on request. It must also be subject to the agent's normal financial control and audit procedures.

3. Agent receives monthly tax invoice, debit/credit note adjustments and financial report

5.8.6 Each month, registration agents receive a tax invoice (which may also contain debit/credit adjustments) electronically from Cluster Shared Services (CCS) (on behalf of OLG), and a financial report from the OLG SPI Responsible Pet Ownership Accounts Mailbox.

5.8.7 The tax invoice for the previous month is based on the total registration fees collected for that month. The financial report provides the details of the registration fees recorded on the Register for that month. The financial report may also include any registration corrections and removals.

5.8.8 Where there are corrections/removals recorded within the month being invoiced, the registration agent will receive, on their monthly invoice, debit/credit adjustments for the total value of the corrections/removals as detailed in the financial report.

4. Agent reconciles tax invoice and financial report against their records

5.8.9 Agents are required to use the financial report provided by OLG, rather than extracting their own financial report from the Register.

5.8.10 Registration agents must reconcile (check) the OLG financial report against their own internal financial records of amounts they have received before paying the tax invoice. This reconciliation does not have to be sent to OLG but must be kept for supply on request.

5. Agent reports any issues to OLG

- 5.8.11 Discrepancies between the agent's records and the OLG financial report should be immediately reported by email to pets@olg.nsw.gov.au and at least within 10 working days following receipt of the tax invoice and financial report.
- 5.8.12 If a transaction is listed on the financial report provided by OLG but not the agent's records, report the microchip number, date of entry to the Register and reason for the variation (if known).
- 5.8.13 If a transaction is listed on the agent's records but not on the financial report provided by OLG, report the microchip number, receipt number, date of receipt, amount paid and reason for the variation (if known).

6. Agent pays tax invoice on time

- 5.8.14 Registration agents must pay tax invoices in full as per the payment terms on the tax invoice. Under no circumstance should agents pay the registration fees collected prior to receiving a tax invoice from OLG or pay more/less than the tax invoice amount.

Audit process and debtors reconciliation

- 5.8.15 In addition to each agent's own internal audit process, CCS undertakes a monthly reconciliation of debtors accounts. Agents may be required to provide records requested as part of this process.

Distributing monies to councils

- 5.8.16 After the end of each quarter, OLG produces a report of animals that reside in each local government area that were registered during that quarter. For each animal, this shows the microchip number, registration date, type of registration and amount paid. This includes transactions through the NSW Pet Registry and Service NSW.
- 5.8.17 These reports are used to calculate monies distributed to councils from the Companion Animals Fund. These monies are paid quarterly in arrears, by EFT, to the agent's nominated bank account. At that time, a remittance advice notice is emailed to the agent's nominated email address.
- 5.8.19 Under section 85(1A) of the CA Act, councils must spend monies received from the Fund only for the purposes of managing and controlling companion animals.

6 Registration changes

6.1 Requests to amend the Register

6.1.1 Under section 11 of the CA Act, pet owners must notify the Deputy Secretary of certain changes and events by a specific time. In addition, pet owners often seek to make other changes to their registration records. The most common changes requested after registration are about:

- the address where the pet is ordinarily kept
- the owner's full name, address, email address or telephone number
- whether or not the pet is desexed
- whether the animal is a dangerous, menacing and/or restricted dog and, if so, on what date the relevant order or declaration was made or took effect
- the animal has been, or is being trained as an assistance animal
- that an animal is missing or has been found
- that ownership of the pet has changed, or
- that a pet has died.

Using the NSW Pet Registry

6.1.2 In most circumstances, pet owners and breeders are able to keep their own basic records on the Register up-to-date through the NSW Pet Registry. This may be where a change relates to:

- change of address or other contact details
- change of ownership of an animal
- death of an animal, or
- that an animal is missing or has been found.

6.1.3 Animal owners can also pay registration fees on the NSW Pet Registry. Once payment is made or following any change notified after payment, an updated Certificate of Registration is available on the owner's online profile.

Role of registration agents

6.1.4 Registration agents that have access to the Register must amend the Register as set out in this Guideline even if a pet owner could have updated their own records online. **Requests to change information must be processed within 7 days.**

6.1.5 Councils must complete data entry whether or not the animal is kept in their local government area.

Correcting minor errors

6.1.6 Registration agents may accept requests to correct minor errors to information by phone, email or in person, rather than a written application, if the errors do not affect key registration information – such as a microchip number - are minor and are clearly data entry mistakes. Correction of minor errors must be processed within 7 days.

- 6.1.7 If an officer is not sure if a change is a minor error, the owner should send a written request.

Making substantial changes

- 6.1.8 Requests to substantially change Register information may only be accepted in writing. However minor corrections, such as updating phone numbers and email addresses, may be accepted by telephone or in person where the agent has verified the person's identity.
- 6.1.9 Wherever possible, an officer with Register access should handle requests to avoid other people taking notes or messages that may include personal information.
- 6.1.10 Where a change updates registration information or entitles the owner to a registration certificate, the agent must provide the owner with a new or updated certificate. This may require the agent to send the certificate to an email or postal address.

6.2 Specific types of Register changes

- 6.2.1 The following information applies to pets that are not dogs declared to be restricted, dangerous or menacing.

Change of ownership via the NSW Pet Registry

- 6.2.2 If the registered owner of a pet sells or transfers the pet to another person, he or she is responsible for requesting a change to the Register. This can be done by initiating a 'transfer' online through the NSW Pet Registry or both parties submitting forms to a registration agent.

If a pet owner 'transfers' an animal on the NSW Pet Registry, he or she remains the registered owner while the animal's status is 'Home-Transfer'.

- 6.2.3 If an animal is transferred online, the animal's status changes from 'Home' to 'Home-Transfer' and remains in the first owner's 'My Pets' list until the second owner 'Claims' the animal online, or, a Change of Ownership form is processed. The animal's status then changes to 'Home' and it is removed from the first owner's 'My Pets' list.
- 6.2.4 When an animal is in 'Home – Transfer' status the owner can no longer make any change to the animal's details.
- 6.2.5 If a pet owner makes a mistake when transferring ownership using the NSW Pet Registry, an officer of a registration agent with higher level access to the Register can use the 'Change Details' function on the Register to reinstate the animal's status back to 'Home' to the owner. This process should only be used when the agent is satisfied that a genuine error has occurred and before the pet has been 'Claimed' online by the new owner or a change of owner form processed.
- 6.2.6 The *NSW Pet Registry – Pet Owner & Breeder User Guide and FAQ's* details the process for transferring ownership of a pet online.

Change of ownership via a registration agent

- 6.2.7 Pet owners can change ownership by submitting a paper form to registration agents.
- 6.2.8 A registration agent must not process a change of ownership if there is no proof that ownership has transferred. If an officer is in doubt, he or she should contact the former owner directly, taking care to verify the person's identity and following relevant protocols.
- 6.2.9 If the former owner is not contactable, the agent must investigate and determine the legitimacy of the request. A statutory declaration completed by the new owner may be acceptable if the officer handling the enquiry is satisfied that the transfer is legitimate. A note in the 'additional comments' field on the animal's record on the Register should be made at the time of transfer.
- 6.2.10 If a new owner submits a transfer of ownership form before the former owner, an agent may process the transaction if the previous owner has signed the form or provided proof of sale, such as a statutory declaration by the former owner or breed registration papers. The new owner must sign the change of ownership form.

Changing ownership if the new owner's details are unknown

- 6.2.11 If a registered pet owner asserts that they no longer own an animal and/or do not know the current owner's details, an officer of a registration agent must be reasonably satisfied this is true prior to updating the Register. This may mean checking if a 'change of owner' form has been submitted or, if the agent is a council, inspecting the owner's property.
- 6.2.12 A registration agent may require the registered (former) owner to:
- complete all possible details about the new owner on a 'Change of Owner' form, and/or
 - sign a statutory declaration that they ceased to be the owner of the animal on a specified date and that they do not know the details of the new owner.
- 6.2.13 If the registered (former) owner can provide any details about the new owner, the officer should make all reasonable efforts to contact that person, confirm if they are the current owner, ask them to complete a 'Change of Owner' form and update the Register.
- 6.2.14 If the new owner cannot be contacted, the agent should leave the recorded owner's name and contact details on the Register and – in the 'additional comments' field (council use only) – enter '(date) new owner no contact details (council name)'. The name and contact number of the officer altering the record, the date, and what action was taken should also be recorded in the 'additional comments' field. The record should then be marked as out of date.
- 6.2.15 Agents should keep any statutory declarations and relevant file notes so that they can be accessed if another registration agent or OLG requires those records.

Change of contact details

- 6.2.16 While the CA Act only applies to animals in NSW, registration agents should process requests to update the Register to show an animal is going interstate or overseas.

- 6.2.17 The Register enables monitoring of records deleted by authorised users. Inappropriate deletion of records constitutes misuse of the information on the Register and may attract a penalty under section 89 of the CA Act.
- 6.2.18 Registration agents should not delete records if animals move to another State or Territory or overseas. These requests should be processed as a change of address and/or ownership, including by selecting 'outside Australia' in the State of residence field. OLG regularly receives requests for microchip data about animals living outside NSW.

Updating contact details of a registered owner

- 6.2.19 If a registration agent that has access to the Register tries to contact a pet owner and becomes aware that their contact details have changed, the officer should make all reasonable efforts to find their new details by – for example – checking the White Pages, the electoral roll or other registers. The officer should then either:
1. contact the owner to confirm they remain the registered owner and ask them to either update their contact details on the NSW Pet Registry or complete the approved 'change of details' form, or
 2. update the Register by selecting 'out of date' on the animal's record and adding the name and contact number of the officer, the date and what action was taken under the 'additional comments' field.

A registration agent must not, under any circumstances, remove the details of a current or former registered owner from an animal record on the Register.

That an animal is missing or has been found

- 6.2.20 Under section 11 of the CA Act, pet owners must notify that their animal is missing for more than 72 hours. They must also notify within 72 hours if their animal is marked as missing and is then found. These notifications can be given over the phone, in person or via the NSW Pet Registry online if the pet owner has created an online profile and 'claimed' the pet.
- 6.2.21 Officers should enter a notification that an animal is missing on the Register at the first available opportunity. Firstly, the officer should check if the owner's address and contact details are up-to-date. If not, they should be changed **before** the animal is listed as missing – as once the record reflects the missing animal status, no data entry changes can be made.
- 6.2.22 The 'missing' function of the Register must be completed in full if an animal is reported as missing or stolen. The 'contact details' and 'comments' fields must also be completed.
- 6.2.23 Once the status of an animal's record has been updated to 'Missing', no details can be changed until the animal is listed as 'Home' on the Register. This prevents someone from claiming to be the new owner – for example, if the animal has been stolen.
- 6.2.24 If a registration agent is notified that an animal has been found, the record status can be changed by calling up the 'missing animal' menu and selecting 'home'. The officer must follow the same process as for the original notification.

That an animal is deceased

6.2.25 Under section 11 of the CA Act, pet owners are required to notify that their animal is deceased within 28 days. In most cases, notice may be given over the phone, in person or via the NSW Pet Registry if the pet owner has created a profile and 'claimed' the pet to their profile.

6.2.26 If a registration agent receives notice that an animal has died, **the Register must be updated within 7 days of receiving notice.**

6.2.27 If an owner claims that their animal has died, no proof is required unless:

1. it is claimed that the animal has been euthanised and enforcement action is being taken or has been taken in relation to the animal – for example, a notice to declare a dog to be dangerous. In these cases, a registration agent should request a statement from the vet who euthanised the animal to confirm that the animal is deceased, or
2. the officer doubts the legitimacy of a request to record an animal as deceased. The owner should then be asked to put the request in writing and/or complete a statutory declaration.

6.2.28 If the status of an animal is changed to deceased, that animal is no longer displayed under 'My Pets' in the owner's online profile. Once an animal's record has been marked 'deceased' on the Register, it is not possible to change any details or its status.

6.2.29 If an animal may have been marked incorrectly as deceased, an officer should:

- double-check the microchip number for the animal record
- contact the owner on the record to check the circumstances
- if an error has occurred, print a copy of the record and email OLG at pets@olg.nsw.gov.au requesting that the record's status be restored to 'home'
- This email should include background information about why the record was marked 'deceased' and name, address, contact numbers, and confirmation that the owner is the same as that listed on the Register.
- OLG will send an email to the registration agent advising that the status of the record has been changed so that any further amendments can be made by the registration agent.

Declaration that a dog is dangerous or menacing

6.2.30 Under section 11 of the CA Act, pet owners are required to notify that their dog has been declared dangerous or menacing. These declarations may have been made by a court.

6.2.31 These notifications must be made in writing by the pet owner, to enable the Register to be updated. There is no prescribed form, but the owner must include all relevant details as well as a copy of the court order, if available.

Assistance animals

6.2.32 If registration fees have been paid for an animal that later becomes an assistance animal, these fees cannot be refunded. However, if a registration agent is satisfied that an animal is an assistance animal, they may add a note in the 'identifying marks'

field of the animal's record. A new Certificate of Registration may be printed with the updated information.

- 6.2.33 This officer should also note in the 'identifying marks' field on the Register the date, their initials, the registration agent's name, details of the evidence sited and a statement that he or she is satisfied that the animal is an assistance animal.

7 Annual permits

7.1 Overview

7.1.1 In 2018, the Government made amendments to the CA Act and Regulation to introduce new annual permits for certain cats and dogs to strengthen responsible pet ownership. Animals that require an annual permit from the age of 6-months are:

- cats that were not desexed by the age of four months, and
- dogs that are declared to be dangerous are of a restricted breed or declared to be a restricted dog by an authorised officer of a council.

7.1.2 Annual permits, where required, apply in addition to lifetime registration and will be remitted to the Companion Animals Fund. A proportion of these funds is distributed to councils for their companion animal functions, including pounds/shelters, ranger services, dog recreation areas, and education and awareness programs.

- For cats, all owners will pay the same lifetime registration fee (the previous 'desexed' rate, which will be reduced by \$10 from 1 July 2020), with an additional annual permit fee of \$80 due each year if the cat is not desexed by four months of age.
- For dogs, current registration categories will remain in place – this means that registration remains more expensive for dogs that are not desexed by six months of age, whether or not that dog is also required to have an annual permit.

Permit fees

7.1.3 The Regulation lists the fees that apply for annual permits. Importantly, however, each of these fee types are updated each financial year to reflect movements in the Consumer Price Index (CPI).

7.1.4 A late fee may apply if a permit fee has not been paid 28 days after the date on which a permit was required. For further details, see Section 5.3.

7.1.5 Current annual permit fees and late fees are in the current *Companion Animals (Adjustable Fee Amounts) Notice*. This document may be located on the NSW Legislation website at www.legislation.nsw.gov.au.

7.1.6 Annual permit fees are not generally refundable and owners should not assume that an application for a refund will be approved. There are however circumstances, for example when a dangerous dog declaration is overturned, whereby refunds are necessary. Registration agents should have a refund policy to manage these applications.

7.1.7 Applications for a refund for transactions undertaken via the NSW Pet Registry and Service NSW will be considered against the criteria set down in the OLG's NSW Pet Registry Registration Fee Refund Policy.

Term of an annual permit

7.1.8 Annual permits are valid for 12-months from the date of issue, or another date specified in the permit, unless it is surrendered, removed or revoked earlier.

7.1.9 If a cat with an annual permit is sold or transferred to a new owner, that permit continues to apply to the animal for the remainder of the 12-month period, unless it is surrendered, removed or revoked earlier. The new owner is responsible for complying with any conditions of the permit.

7.1.10 It is illegal to sell or transfer ownership of a restricted or dangerous dog.

Permits and conditions

7.1.11 The Deputy Secretary may impose specific conditions on an annual permit. General conditions may also be prescribed by regulation.

7.1.12 Conditions may be imposed when a permit is first issued or at any later time. At any time, the Deputy Secretary may serve a written notice on a permit holder:

- revoking or varying any condition imposed on that specific permit, or
- imposing new conditions on a permit.

7.1.13 Permit conditions may be imposed, revoked or varied for any reason, and in circumstances, that the Deputy Secretary considers appropriate or necessary.

7.1.14 Failure to comply with a permit condition is an offence. The maximum penalty for this offence is 20 penalty units (\$2 200). In addition, holding a permit is a control requirement for restricted and dangerous dogs – see further at 7.4 below.

Relevant offences

7.1.15 Failure to hold a valid annual permit when one is required is an offence. The maximum penalty for this offence is 50 penalty units (\$5 500).

7.1.16 If a person commits an offence for not having an annual permit, he or she commits another, separate, offence under that section each calendar month that the contravention continues. This does not limit the number of times a person may be prosecuted for failing to comply with a notice requiring a permit.

7.1.17 Holding an annual permit is also a control requirement for restricted and dangerous dogs. A separate penalty may apply for failing to comply with these requirements.

Compliance action

7.1.18 A council may issue the owner of an animal that is required to have an annual permit with a notice requiring that person to apply for a permit within 14 days. If that notice is not complied with, the maximum penalty for this offence is:

- 50 penalty units (\$5 500) in relation to a cat, or
- 60 penalty units (\$6 600) in relation to a dangerous or restricted dog.

7.1.19 More than one notice may only be given to a person in relation to an animal but notices must be given at least three months apart.

General exemptions

7.1.20 An animal is not required to have an annual permit if it is in the custody of a council, or an operator of a council pound that is not a council, the Animal Welfare League NSW, The Cat Protection Society of NSW Inc, the Royal Society for the Prevention of Cruelty to Animals (RSPCA) NSW or any other approved rehoming organisation for a period of no more than 12 months.

- 7.1.21 In addition, an animal is not required to have an annual permit if it is:
- a dog that is ordinarily used by a police officer on official duty
 - a dog that is ordinarily used on official duty by a correctional officer (as per the *Crimes (Administration of Sentences) Act 1999*)
 - a dog used by a Commonwealth officer on official duty
 - a companion animal in the custody of an accredited research establishment within the meaning of the *Animal Research Act 1985*, or the holder of an animal research authority or an animal supplier's licence within the meaning of that Act, for purposes in connection with animal research, as authorised under that Act
 - a companion animal kept at a licensed animal display establishment within the meaning of the *Exhibited Animals Protection Act 1986* and lawfully exhibited in accordance with that Act
 - prescribed by, or of a class prescribed by, the regulations (no such animals are prescribed).

7.2 The application process

- 7.2.1 Pet owners may pay for an annual permit online through the NSW Pet Registry or through a council. Registration for the animal must be paid prior to being able to apply for a permit.
- 7.2.2 All registration agents that are councils must accept applications for annual permits made using the prescribed form. **If a registration agent has access to the Register, data entry must be completed within 7 days.**
- 7.2.3 Some registration agents also enable applications to be made through a separate online portal. Digital transfer of this information must occur by the next working day or any other period agreed with OLG in writing.
- 7.2.4 The CA Act states that regulations may prescribe mandatory or discretionary grounds for refusing to issue a permit. No such grounds have been prescribed. Similarly, while regulations may prescribe conditions that apply to all permits, no such conditions have been prescribed.
- 7.2.5 Once a permit application has been properly made to a registration agent and any fee payable is paid, a person cannot be penalised for failing to have a permit.

Role of registration agents

- 7.2.6 Registration agents that have access to the Register must amend the Register as set out in this Guideline even if a pet owner could have updated their own records or made an application online. Requests to change information must be processed by councils within 7 days.
- 7.2.7 Registration agents that are councils must complete data entry whether or not the animal is kept in their local government area.
- 7.2.8 When processing change of ownership details for a cat for which an annual permit is due, the new owner has two months to obtain that permit. It is only 28 days after that two month period has expired that the late fee can be applied. Therefore, if the new owner pays for the permit within two months and 28 days then no late fee is

due. This will require registration agents to manually override the permit type to apply a 'permit without late fee'.

When permit fees must be paid

7.2.9 Like lifetime registration fees, the first year of permit fees for an animal must be paid before the animal reaches 6 months of age. In any subsequent year in which a permit must be obtained, the permit fee must ordinarily be paid before the previous permit expires.

7.3 Annual permits for certain cats

When a permit is required

7.3.1 Cats that are over the age of 6 months will require a permit from 1 July 2020 unless:

1. the cat was desexed by four months of age, **or**
2. the cat is owned by a breeder that is member of a recognised breeder body and kept for the purposes of breeding litters of kittens for sale, **or**
3. the cat is exempt from registration (see further 4.1 and 4.3 above), **or**
4. a vet has certified that the animal is 'not recommended for de-sexing', **or**
5. the cat falls under a general exemption for annual permits – see further 7.1.4 above, **or**
6. a transitional arrangement applies (see further below).

7.3.2 Further information about cats 'not recommended for desexing' is at 5.4.4. above.

Example: If a cat was desexed after four months of age but before it is registered, the owner will need to pay for an annual permit for the first year of the cat's life.

Grace period

7.3.3 It is anticipated that, at times, a person may acquire ownership of a cat that is not desexed and does not have an annual permit. Where an annual permit is required for that cat, the new owner has two months to pay for an annual permit. During that time, no proceedings may be brought against the owner for failing to hold a permit.

Transitional arrangements – 2020

7.3.4 A cat that would otherwise require a permit may be exempted during a transitional period in the *Companion Animals and Other Legislation Amendment Act 2018*.

7.3.5 If a undesexed cat was already registered on the Register as at 1 July 2020 it does not require an annual permit in any year thereafter.

7.3.6 In the case when a cat is born before 1 July 2020 but not yet registered, owner has additional time to desex the cat or obtain a permit. A permit for these cats is to be in place by 21 days after 1 July 2020 (22 July 2020).

7.4 Annual permits for restricted breed and dangerous dogs

When a permit is required

7.4.1 A dog that is over the age of 6 months will require a permit from 1 July 2020 if:

1. the dog is a restricted and/or dangerous dog, **or**
 2. the dog is not exempt from having a permit – see 7.1.21 above.
- 7.4.2 A dog may be both a restricted and a dangerous dog and therefore require two permits. A dog that is menacing does not require an annual permit.
- 7.4.3 If a dog becomes a dangerous dog during its life, it is required to have a permit from the date that is 7 days after the declaration takes effect.
- 7.4.4 If a dog becomes a restricted dog during its life, it is required to have a permit from the date that is 21 days after the declaration takes effect.
- 7.4.5 If an additional breed of dog is declared to be a restricted breed for the purposes of the CA Act, each dog of that breed must have a permit before from the date that is 21 days after that declaration takes effect.

Restricted and/or dangerous dogs

- 7.4.6 Restricted dogs are all dogs of a breed, kind or description that is prohibited to be imported into Australia - these dogs are summarised in the table below.

Categories of restricted dogs in NSW	Notes
American pit bull terrier or pit bull terrier	
Japanese tosa	
dogo Argentino	Often called an Argentinian fighting dog
Perro de Presa Canario or Presa Canario	Often called a Canary Mastiff
fila Brasileiro	Often called a Brazilian fighting dog
Any other dog of a breed, kind or description whose importation into Australia is prohibited by or under the Commonwealth <i>Customs Act 1901</i>	Refer to Commonwealth law at www.legislation.gov.au . No further breeds of dog not listed above were declared at the date of effect of this Guideline.
Any dog declared by an authorised officer of a council under Division 6 of this Part to be a restricted dog	
Any other dog of a breed, kind or description prescribed by the regulations for the purposes of section 55 of the CA Act	No further dogs were prescribed by the regulations at the date of effect of this Guideline.

- 7.4.7 Dangerous dogs can be any breed and are those declared dangerous by a council or court because the dog has, without provocation, repeatedly threatened to attack or repeatedly chased, attacked or killed a person or animal, has displayed unreasonable aggression, or, is kept for hunting.
- 7.4.8 Like all other dogs, working and hunting dogs will only require a permit if they are of a restricted breed, or, have been declared to be a dangerous dog by a court or council.

Transitional arrangement – 2020

- 7.4.9 Unlike annual permits for certain cats, there are no exemptions or exceptions for having a permit for a dog because it was already registered before 1 July 2020. However, the owner of such a dog has 21 days from 1 July 2020 to obtain a permit.

Having a permit is a control requirement

7.4.10 Each restricted and/or dangerous dog must comply with the control requirements set out at in the CA Act , including having an annual permit. This extends to dogs that were registered before 1 July 2020.

8 Further information

8.1 Office of Local Government

- 8.1.1 OLG administers the policy and legislative framework within which councils and others manage their companion animal responsibilities. It also provides oversight of state-wide companion animals functions.
- 8.1.2 OLG does not provide legal advice and does not give advice on specific incidents or circumstances. The Pets Helpdesk provides technical support for authorised users of the Register and may be contacted on 1300 134 460 or pets@olg.nsw.gov.au.

8.2 Relevant legislation and other publications

- 8.2.1 Current versions of NSW laws are available at www.legislation.nsw.gov.au. All Companion Animals guidelines and other publications are available at www.olg.nsw.gov.au and www.petregistry.nsw.gov.au.
- 8.2.2 Forms can be downloaded electronically from OLG's website at www.olg.nsw.gov.au. Alternatively, supplies of all forms available from OLG's printing contractor are available to order online.

Appendix: Which registration category is a person entitled to pay under after 1 July 2020?

