



AGENDA

FOR GOVERNANCE AND COMPLIANCE COMMITTEE MEETING TO BE HELD ON

**17 JUNE 2024 AT THE CONCLUSION OF THE POLICY AND PLANNING
COMMITTEE**

**IN WITTBER & DR RUBY DAVY ROOMS, SALISBURY COMMUNITY HUB,
34 CHURCH STREET, SALISBURY**

MEMBERS

Cr P Jensen (Chairman)
Mayor G Aldridge (ex officio)
Cr L Brug
Cr J Chewparsad
Cr K Grenfell
Cr D Hood (Deputy Chairman)
Cr S McKell

REQUIRED STAFF

Chief Executive Officer, Mr J Harry
Deputy Chief Executive Officer, Mr C Mansueto
General Manager City Infrastructure, Mr J Devine
General Manager Community Development, Mrs A Pokoney Cramey
General Manager City Development, Ms M English
Manager Governance, Mr R Deco
Team Leader Council Governance, Ms J O'Keefe-Craig

APOLOGIES

LEAVE OF ABSENCE

PRESENTATION OF MINUTES

Presentation of the Minutes of the Governance and Compliance Committee Meeting held on 20 May 2024.

REPORTS

Administration

3.0.1 Future Reports for the Governance and Compliance Committee 7

For Decision

3.1.1 Dog and Cat Management (Breeder Reforms) Amendment Bill 2024 11

QUESTIONS ON NOTICE

There are no Questions on Notice.

MOTIONS ON NOTICE

There are no Motions on Notice.

OTHER BUSINESS

(Questions Without Notice, Motions Without Notice, CEO Update)

CLOSE



**MINUTES OF GOVERNANCE AND COMPLIANCE COMMITTEE MEETING HELD IN
WITTBER & DR RUBY DAVY ROOMS, SALISBURY COMMUNITY HUB,**

34 CHURCH STREET, SALISBURY ON

20 MAY 2024

MEMBERS PRESENT

Mayor G Aldridge (ex officio)

Cr L Brug

Cr J Chewparsad

Cr K Grenfell

Cr D Hood (Deputy Chairman) (*Cr D Hood as Deputy Chair presided over the meeting as Cr P Jensen was an apology*)

Cr S McKell

STAFF

Deputy Chief Executive Officer, Mr C Mansueto

Team Leader Council Governance, Ms J O'Keefe-Craig

The meeting commenced at 7:17pm.

The Chairman welcomed Elected Members, members of the public and staff to the meeting.

APOLOGIES

Apologies were received from Cr P Jensen.

LEAVE OF ABSENCE

Nil.

PRESENTATION OF MINUTES

Moved Cr S McKell
Seconded Cr J Chewparsad

The Minutes of the Governance and Compliance Committee Meeting held on 15 April 2024, be taken as read and confirmed.

CARRIED

REPORTS

Administration

3.0.1 Future Reports for the Governance and Compliance Committee

Moved Cr L Brug
Seconded Cr K Grenfell

That Council:

1. Notes the report.

CARRIED

For Decision

3.1.1 Voting Advice to Council Delegate for the Local Government Association Ordinary General Meeting - 24 May 2024

Moved Mayor G Aldridge
Seconded Cr S McKell

That Council:

1. Notes the Local Government Association (LGA) Ordinary General Meeting (OGM) voting delegate (Deputy Mayor Cr Chad Buchanan or Cr Peter Jensen as proxy) will use discretion when voting on the items presented at the LGA OGM on 24 May 2024, consistent with Council's historical practice.

CARRIED

QUESTIONS ON NOTICE

There were no Questions on Notice.

MOTIONS ON NOTICE

There were no Motions on Notice.

OTHER BUSINESS

(Questions Without Notice, Motions Without Notice, CEO Update)

There were no Other Business Items.

The meeting closed at 7:19pm.

CHAIRMAN.....

DATE.....

ITEM	3.0.1
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	17 June 2024
HEADING	Future Reports for the Governance and Compliance Committee
AUTHOR	Joy O’Keefe-Craig, Team Leader Council Governance, CEO and Governance
CITY PLAN LINKS	4.2 We deliver quality outcomes that meet the needs of our community
SUMMARY	This item details reports to be presented to the Governance and Compliance Committee as a result of a previous Council resolution. If reports have been deferred to a subsequent month, this will be indicated, along with a reason for the deferral.

RECOMMENDATION

That Council:

1. Notes the report.

ATTACHMENTS

There are no attachments to this report.

1. BACKGROUND

- 1.1 A list of resolutions requiring a future report to Council are presented to each committee for noting.

2. EXTERNAL CONSULTATION / COMMUNICATION

- 2.1 No external consultation was required in the development of this report.

3. REPORT

- 3.1 The following table outlines the reports to be presented to the Governance and Compliance Committee as a result of a Council resolution:

Meeting Item	- Heading and Resolution	Officer
27/06/2022	Community Compliance Resources	John Darzanos
3.2.1	<p>2. Approves a report on the Community Compliance resources and outcomes be presented to Council by 30 November 2023 to enable consideration of required resource demands without the impacts of COVID-19 on both staff and the community.</p> <p>Due: May 2024 Deferred: August 2024 Reason: Staff are undertaking a review of resource impacts across the Community Compliance team resulting from recent legislative changes and operational changes associated with <i>Local Nuisance and Litter Control Act 2016</i>, and the operational requirements at the Pooraka Pound and intend to provide a report addressing these combined impacts. Due to the preliminary identified potential resource requirements and associated budget impacts affecting the Community Compliance service area it is intended to present findings and options to correlate with the 2024/25 first quarter budget review process for Council consideration.</p>	
23/10/2023	Council Assessment Panel – Increasing Female Candidates	Chris Zafirooulos
3.1.3	<p>1. Approves to commence a new Expression of Interest for the independent members on the Council Assessment Panel (the Panel) in May 2024, and consider candidates at the Council Meeting July 2024, with the following initiatives:</p> <p>a. Targeted Outreach and Marketing campaign that will include:</p> <p>i. Direct contact to all accredited and eligible candidates on the Accreditation Scheme when the Expression of Interest is released.</p> <p>ii. Explicit / stronger messaging in the public notice that Council wishes to increase female participation on the Panel and promote equal opportunities.</p> <p>iii. Promote flexible participation options, subject to consideration by the Council Assessment Panel.</p> <p>b. Write to the Accreditation Authority to highlight the relatively small pool of eligible women in the scheme and support the Authority’s initiatives to increase participation of women in the Accreditation Scheme from a range of professions.</p> <p>Due: July 2024</p>	
23/10/2023	Consideration of Adoption of Employee Behavioural Standards	Kia Logan
3.1.4	<p>2. Gives further consideration to the adoption of additional behavioural standards in 12 months time.</p> <p>Due: October 2024</p>	

4. CONCLUSION / PROPOSAL

- 4.1 Future reports for the Governance and Compliance Committee have been reviewed and are presented for noting.

ITEM	3.1.1
	GOVERNANCE AND COMPLIANCE COMMITTEE
DATE	17 June 2024
HEADING	Dog and Cat Management (Breeder Reforms) Amendment Bill 2024
AUTHOR	John Darzanos, Manager Environmental Health & Community Compliance, City Development
CITY PLAN LINKS	1.2 The health and wellbeing of our community is a priority 4.2 We deliver quality outcomes that meet the needs of our community 4.4 We plan effectively to address community needs and identify new opportunities
SUMMARY	This report provides an overview of the legislative amendments to the <i>Dog and Cat Management Act 1995</i> as proposed by the <i>Dog and Cat Management (Breeder Reforms) Amendment Bill 2024</i> . <i>The Bill</i> includes a range of minor administrative amendments to improve the operation of the <i>Dog and Cat Management Act 1995</i> and a focus on breeders through the introduction of a new licensing scheme as well as increasing penalties for dog attacks. No updates or changes to any provisions relating to cats are proposed. The report provides an overview of the major changes and seeks endorsement of a submission on the <i>draft Bill</i> that must be lodged by 9 July 2024.

RECOMMENDATION

That Council:

1. Endorses the draft submission on the *Dog and Cat Management (Breeder Reforms) Amendment Bill 2024* as presented in Attachment 1 to this report (Item No. 3.1.1, Governance and Compliance Committee 17 June 2024)
2. Authorises the Administration to lodge the submission on the *Dog and Cat Management (Breeder Reforms) Amendment Bill 2024* in Attachment 1 to this report (Item No. 3.1.1, Governance and Compliance Committee 17 June 2024).
3. Notes that the *Dog and Cat Management (Breeder Reforms) Amendment Bill 2024* does not address any significant changes in cat management.
4. Authorises the draft letter to the Minister for Climate, Environment and Water; the Dog and Cat Management Board and the Local Government Association of South Australia to advocate for amendments to the *Dog and Cat Management Act 1995* in Attachment 4 to this report (Item No. 3.1.1, Governance and Compliance Committee, 17 June 2024). that will provide for consistent application of laws relating to cats to support consistency in cat management across the State and metropolitan areas.

ATTACHMENTS

This document should be read in conjunction with the following attachments:

1. Draft Submission on the Dog and Cat Management (Breeder Reforms) Amendment Bill 2024[↓](#)
2. Dog and Cat Management (Breeder Reforms) Amendment Bill 2024[↓](#)
3. Breeder Reforms Updating the Dog and Cat Management Act 1995 Explanatory Guide[↓](#)
4. Draft letter to Minister for Climate Environment and Water[↓](#)

1. BACKGROUND

- 1.1 The Department for Environment and Water has released the *Dog and Cat Management (Breeder Reforms) Amendment Bill 2024* (the Bill) to amend the *Dog and Cat Management Act 1995* (the Act) for consultation and a supportive discussion paper. These documents are provided in Attachments 2 and 3.
- 1.2 The Act is South Australia's legal framework for managing dogs and cats and outlines the responsibilities of dog and cat owners as well as breeders who have legal obligations relating to breeding and selling dogs and cats. The Act is administered predominately by local government.
- 1.3 The Bill contains a number of proposals to amend the Act with a focus on breeders. This includes a new breeder licensing scheme to replace registration as well as increasing dog attack penalties, along with a range of administrative changes to improve functionality and modernise the Act in line with other legislation.
- 1.4 The Bill does not introduce any changes to cat laws. It is understood that the State Government is considering the legislative and non-legislative framework for cat management which includes developing policies, undertaking research, and looking at implementation of practical on the ground actions, including supporting councils to develop and implement local by-laws.

2. DISCUSSION

- 2.1 The Bill has been drafted to propose several changes to the Act. The main proposed changes will impact on breeders and dog owners and they relate to:
 - 2.1.1 Breeders – introducing a requirement for anyone who breeds dogs and cats for sale to be licensed, and this can be subject to a range of conditions, guidelines and penalties for non-compliance.
 - 2.1.2 Dog attack fines – the amendments aim to increase the penalties relating to dog attacks to highlight the significant impact that serious dog attacks can have on the community.
- 2.2 Other administrative amendments have also been proposed to address operational improvements as well as contemporising in line with current legislative drafting requirements.

Breeding Laws

- 2.3 The Bill proposes to introduce a licensing scheme where breeders are assessed and approved (or not) for a licence and will be subject to appropriate conditions. Applicants will be required to provide specific information about their breeding intentions, actions and breeding animals.
- 2.4 Applications will be assessed and if they meet the set criteria then a licence will be granted. Licences will carry conditions which can be enforced and there will be offences for breaching any terms or conditions of the licence.
- 2.5 The new breeder's licence will replace the existing requirement to register as a breeder if selling dogs and cats. Anyone reported or found breeding dogs or cats without a licence may be found to be operating illegally.
- 2.6 Breeders will be required to apply to the Dog and Cat Management Board to be approved to hold a breeder's licence.
- 2.7 All dog and cat breeders will need to comply with the new requirements, including breeders registered with breeding associations or clubs, and a legislative program will be developed to enable breeders to transition to the new licensing provisions over time. Breeders will continue to operate under current registrations until the transition is complete, expected to take up to three years.
- 2.8 Breeder's licence administration and enforcement will be the responsibility of the Dog and Cat Management Board, with licensing fees payable to the Dog and Cat Management Fund.
- 2.9 The Board will work collaboratively with councils to ensure breeders comply with local by-laws. Animal welfare laws remain governed by the *Animal Welfare Act 1985*.
- 2.10 Administration has reviewed these provisions and is supportive of the changes. Commentary to this effect is provided in Attachment 1 - *Draft Submission on the Dog and Cat Management (Breeder Reforms) Amendment Bill 2024*.

Dog Attack Fines

- 2.11 Dog attacks are a serious safety risk and can cause significant distress to owners, animals and the community. It is acknowledged and recognised that any dog can bite if feeling threatened, protecting territory, sick, frightened or provoked and it is important that all dog owners keep their dogs properly contained, and on a leash or under effective control when in public.
- 2.12 Under the Act, it is an offence for a dog to attack or harass another animal or person, however the current penalties are considered low given the potential consequences of the injuries and impacts these incidents can have. It is considered that stronger penalties are needed to respond to irresponsible and unsafe behaviour.
- 2.13 Local councils investigate and manage all dog attacks and have the power to issue a fine or prosecute owners. Councils may also impose control or destruction orders depending on the nature or severity of the attack.
- 2.14 Administration has reviewed these provisions and is supportive of the changes.

- 2.15 The Bill also introduces a new offence if the incident results in the death of, or serious injury to, a person, animal or bird. There is no definition associated with a ‘*serious injury*’ and as part of the submission it is requested that the proposed provisions are supported through definitions or guidelines from the Board to define a serious injury.
- 2.16 Commentary addressing these matters is provided in Attachment 1 - *Draft Submission on the Dog and Cat Management (Breeder Reforms) Amendment Bill 2024*.

Other administrative amendments

- 2.17 A number of administrative changes will aid in clarity, remove red tape and help facilitate better services for the community. These changes propose to:
- 2.17.1 Streamline local council dog and cat management planning by allowing councils to incorporate their dog and cat management planning with other operational planning to simplify processes and improve clarity for the community. This would enable councils to update plans as required and provides for a more contemporary and responsive plan built into the corporate planning process and cycle without the additional administrative requirement of reporting to the Board.
- 2.17.2 A reduction in the size of the Dog and Cat Management Board from nine (9) members to seven (7) members. This maintains three (3) members from local government and three (3) members nominated by the Minister and is considered the contemporary number for this type of Board.
- 2.17.3 Remove mandatory muzzling for retired racing greyhounds. This change removes the requirement or need for pet/retired racing greyhounds to wear a muzzle when in public, which is consistent with many other states. It still requires that they are physically restrained off property and racing greyhounds must wear a muzzle and be restrained. Offleash greyhound events may still be held by councils, subject to approval by Board and additional rules and controls as the council sees fit.
- 2.17.4 Improve controls for wandering dogs that persistently escape and wander at large. The amendments propose a new wandering dog order that can be issued on dog owners that have been found to have dogs that consistently wander at large, but not result in any attack or harassment to warrant a nuisance order or otherwise. This order will place a greater onus on dog owners to take steps to prevent their dog wandering at large and carries increased penalties for a breach of order and aims to improve public safety. The new order will stipulate reasonable steps be taken by the owner to prevent the dog escaping and attend training where appropriate.
- 2.17.5 Allow animal detention notices (impounded dogs) to be posted on councils’ websites. This amendment allows councils to post notices online to help owners find their missing animals in addition to, or in lieu of, a notice at the council’s offices.
- 2.17.6 Updating the offence of abusing an Authorised Person to the *Criminal Law Consolidation Act 1935*. This brings the protection for Authorised Officers in line with prescribed emergency workers and offers staff the same protections.

- 2.18 Administration has reviewed these provisions and is supportive of the changes. Commentary to this effect is provided in Attachment 1 - *Draft Submission on the Dog and Cat Management (Breeder Reforms) Amendment Bill 2024*.

Cat Controls

- 2.19 The proposed legislative changes in the Bill do not make any changes to the Act affecting cats.
- 2.20 The introduction of compulsory microchipping and desexing for cats in 2018 has not seen any marked decline in cat populations being reported to Council or a reduction to cat nuisance complaints. This is exacerbated by cats having the propensity to breed rapidly. Female cats can reach sexual maturity and breed from four months of age leading to population booms.
- 2.21 Current shelter capacity issues have led to the inability of Council to offer cat traps and subsequently nuisance and/or unowned or unidentified cats issues are not able to be addressed in a timely manner. This is resulting in population increases and nuisance impacts.
- 2.22 It is understood that the State Government is considering the legislative and non-legislative framework for cat management. This includes developing policies, undertaking research and looking at implementation of practical on-the-ground actions, including:
- 2.22.1 Cat desexing initiatives and grants to reduce unwanted litters.
 - 2.22.2 Supporting councils to develop and implement local by-laws.
 - 2.22.3 Community education promoting responsible pet ownership.
- 2.23 A community survey was undertaken in the development of the City of Salisbury's *Dog and Cat Management Plan 2022-2026*. The survey found that most respondents (i.e. cat and non-cat owners) were in favour of state-wide cat laws, however they also supported Council introducing a cat by-law if state-wide cat laws were not available.
- 2.24 To ensure a consistent approach across the State, it is preferable that cat management issues are addressed as part of the current legislative review process.
- 2.25 This would respond to the community expectation for greater and consistent cat management and could include some of the areas addressed by recent Cat by-laws implemented by other councils. The provisions that have received Legislative Review Committee approval and could be replicated in the Act include:
- 2.25.1 Cat registration - with associated registration fees as determined by Council.
 - 2.25.2 Cats not to wander at large - with restrictions only applying after 9pm to 7am, alternatively if the restriction applies at all times then it would require confinement to a property.
 - 2.25.3 Cats not to be a nuisance - including noise, odours, defecating or urinating on other persons premises or property.
 - 2.25.4 Limit on cat numbers - as determined by councils.

- 2.26 The legislative review should also consider the impact on cat owners for compliance and councils as the enforcement agency due to the potential increase in surrendered cats and the cost of receiving, caring for and rehoming or humanely disposing of more cats.
- 2.27 This impact is of concern as there is currently a lack of suitable shelters with capacity to take unwanted or un-owned cats and dogs. It is therefore considered that the review should address the provision of suitable shelter capacity (for both dogs and cats) to service the local government sector and the broader community.
- 2.28 The above matters have been included in the commentary provided in Attachment 1 - *Draft Submission on the Dog and Cat Management (Breeder Reforms) Amendment Bill 2024*. The amendments to the Act to include cat management initiatives is supported.

Cat By-Law

- 2.29 Noting that the current round of legislative amendments have not addressed the gaps in cat management, it is preferable that a State wide approach is supported. In the event that it is not included in this round however, the development of a Cat By-law may be appropriate given the Dog and Cat Management Plan feedback which indicated support by the community should a state-wide approach not be pursued.
- 2.30 A Cat By-law could include the provisions as listed above. Development of a new Cat By-law would need to follow a statutory process that requires:
- 2.30.1 drafting the by-law, following model by-laws;
 - 2.30.2 Council endorsing the draft by-law and seeking community consultation on the content and proposed laws;
 - 2.30.3 considering feedback and then making any amendments as required (noting if significant changes were proposed then additional consultation may be required); and
 - 2.30.4 adopting the by-law and then following the required statutory processes to formally have the by-law approved by the Legislative Review Committee.
- 2.31 The development of a Cat By-law would require approximately \$15,000 for legal fees and to undertake the required public consultation processes.

Dog and Cat Management Fund

- 2.32 Councils are required to contribute to the Dog and Cat Management Fund (the Fund) as set out in Section 26(5) of the Act. The percentage of dog registration fees required to be contributed is currently 24% as prescribed in the Dog and Cat Management Regulations 2017.
- 2.33 The Bill does not make any changes to the prescribed contribution to the Fund in the Dog and Cat Management Regulations 2017.
- 2.34 Section 25 of the Act provides for the Fund to be applied:
- 2.34.1 towards the cost of establishing or maintaining facilities used for the detention of dogs;

- 2.34.2 towards the cost of research or education programs relating to dog or cat management;
 - 2.34.3 for the administrative expenses associated with the operation of the Board; and
 - 2.34.4 for any other purpose in furtherance of the objects of the Act.
- 2.35 The proposed amendment to Section 25 will include cats and allow the fund to be applied towards the cost of establishing or maintaining facilities used for the detention of dogs and cats under the Act.
- 2.36 In practice, the Board has not applied funds towards facilities used for the detention of dogs, but rather has only recently offered a range of limited grants that have been applied to upgrades of facilities. It should be noted that no funds were provided for the construction of the Pooraka Pound.
- 2.37 Given the current restricted service levels being offered by the main two recognised shelters in South Australia, namely the Animal Welfare League and the RSPCA, there is opportunity for the Board to invest significantly using the monies collected in the Fund to support the provision of shelter capacity for dogs and cats.
- 2.38 This would assist to deliver guaranteed service levels for local government for the relocation of unidentified, unowned and unclaimed dogs and cats. This would allow council pounds like the Pooraka Pound to relocate dogs after 72 hours rather than hold them on a long term basis which is requiring them to operate like a shelter resulting in significant cost increases. It would also allow for community cat trapping and relocation services to recommence and assist to address cat nuisance concerns.
- 2.39 Given the above matters, it is recommended that additional amendments be included in the Act and Regulations, or policy commitments be made by the Board and the State Government to commit funds to the establishment of adequate dog and cat shelter capacity to provide guaranteed services for the local government sector. This is essential to provide ongoing support for the relocation of unidentified, unowned and unclaimed dogs and cats.
- 2.40 In the absence of a guaranteed commitment to support shelter capacity for the local government sector as a whole then there is opportunity to seek a review of Dog and Cat Management Fund contributions to support councils to manage their statutory responsibilities under the Act. A reduction of the fee from 24% to 10% of dog registration fees could be applied to on-the-ground dog and cat management by local councils (eg to assist offset the increased costs associated with operating a pound and defacto shelter).
- 2.41 At the City of Salisbury a reduction in the Dog and Cat Management Fund contribution from 24% to 10% of dog registration revenue (based on 2024/25 revenue of approximately \$980,919) would result in a reduced contribution to the Fund of \$98,092 from \$235,421. The retained revenue of \$137,329 could partially offset the costs of operating the Pound.
- 2.42 In the absence of a change that supports overall shelter capacity it is suggested that *Regulation 6* is amended so that the percentage of registration fees received by a council that must be paid into the Fund is 10% (for all councils, prescribed, and in any other case).

3. CONCLUSION

- 3.1 The *Dog and Cat Management Act 1995* was proclaimed to encourage responsible dog and cat ownership and to promote the effective management of dogs and cats in the community. The Act is being revised to address key government commitments and safety issues relating to dog and cat breeding and dog attacks, as well as making administrative changes to address contemporary issues and make changes that will improve the way dogs and cats are managed in the community and the Act is administered.
- 3.2 In particular attention has focused on:
 - 3.2.1 Dog and cat breeder licensing and associated procedures and penalties;
 - 3.2.2 Dog attack and wandering at large penalties; and
 - 3.2.3 Administrative changes to improve clarity, remove red tape and help facilitate better services for the community.
- 3.3 The proposed changes make some necessary and welcome changes, however an increase in penalties does not necessarily translate to compliance. The new penalties and laws will need to be followed up with a range of education and information campaigns to help ongoing compliance.
- 3.4 It is also preferable that the State Government through this legislative review process respond to the community expectation for greater and consistent cat management. In the absence of any State-wide cat reforms Council may consider local controls through the implementation of a Cat By-law.
- 3.5 A response to each of the reforms is included in the attachment, however it is considered that the absence of reforms addressing cats should be highlighted as part of the submission and in the covering letter to the appropriate Minister as found in Attachment 1 (*Draft Submission on the Dog and Cat Management (Breeder Reforms) Amendment Bill 2024*) and Attachment 4 (*Draft letter to Minister for Climate Environment and Water*).
- 3.6 Submissions on the Bill are due by 9 July 2024.

City of Salisbury – Draft Submission on the Dog and Cat Management (Breeder Reforms) Amendment Bill 2024.

Review Item - <i>Breeder licensing</i>	Proposed Legislative Amendments	Administration Comment	City of Salisbury Recommendation
<p>Current Provision</p> <p>The current Act does not define breeder or bred.</p>	<p>Section 68—Meaning to breed and bred This new section will set out definitions of breeding for context and clarity. These definitions reflect different ownership models and circumstances where breeders may arrange a breeding match between two differently owned animals. However, these models should not allow a person to avoid breeder regulation. Vets caring for or assisting animals in breeding processes are not required to obtain a breeder’s licence</p>	<p>This section will provide clarity to who is a breeder and who has bred a dog so they can be captured under the legislative framework and is supported.</p>	<p>The proposed provision is supported</p>
<p>Current Provision</p> <p>The current Act does not provide for the Board to establish standards and guidelines.</p>	<p>Section 69—Board may publish or adopt standards and guidelines This section sets out the Board’s responsibility to publish or adopt standards and guidelines to set minimum requirements for dog and cat breeding.</p>	<p>This will ensure that the Board can align with changes required to provide the high standard of welfare in line with public expectations.</p>	<p>The proposed provision is supported</p>
<p>Current Provision</p> <p>The current Act provides for breeder registration and the proposed change is to a breeder license model with penalties for non-compliance. The administration of breeder licensing will be with the Dog and Cat Management Board.</p>	<p>Section 70—Offence to breed dogs or cats unless licensed A person must not breed a dog or cat unless the person is the holder of a breeder’s licence that authorises the person to breed dogs or cats (as the case requires). Maximum penalty: \$10 000. Expiation fee: \$750.</p>	<p>This section introduces an offence and penalty for breeding dogs or cats without a licence. This provision ensures if an individual breeds dogs or cats without a licence or attempts to avoid the requirements, they will be operating illegally and penalties may apply.</p>	<p>The proposed provision is supported</p>
	<p>Section 71—Application for licence This section sets out the process and requirements for applying for a breeder licence.</p>	<p>This provision allows the Board to determine the information requirements, develop the application form, and set licence fees. Breeder licencing fees will fund breeder licensing</p>	<p>The proposed provision is supported</p>

City of Salisbury – Draft Submission on the Dog and Cat Management (Breeder Reforms) Amendment Bill 2024.

Review Item - <i>Breeder licensing</i>	Proposed Legislative Amendments	Administration Comment	City of Salisbury Recommendation
		administration, auditing and enforcement that will be carried out by the Board.	
	<p>Section 71A—Terms and conditions of licence In granting a licence, the Board will specify terms and conditions that the breeder must comply with. It will be an offence to breach licence conditions, and depending on the nature of the offence, licences can be revoked.</p>	This terms and conditions can apply specific requirements to individual breeders.	The proposed provision is supported
	<p>Section 71B—Reporting obligations Licensed breeders will be required to report details of every litter and other matters required by regulations.</p>	No comment	The proposed provision is supported
	<p>Section 71C—Renewal of breeders licence Licensed breeders must apply to renew their breeders licence. The Board will establish a process to facilitate this.</p>	No comment	The proposed provision is supported
	<p>Section 71D—Suspension or cancellation of breeder’s licence This is an important enforcement mechanism, allowing a breeder’s licence to be suspended or cancelled if a breeder no longer meets the licence requirements, or breaches the terms and conditions. Breeders may also be disqualified from breeding for up to 5 years.</p>	No comment	The proposed provision is supported
	<p>Section 71E—Dealing with dogs and cats where breeder’s licence suspended or cancelled This section is to ensure animals are dealt with safely and humanely in</p>	The proposed amendment will through the regulations allow the Board, a council or an authorised person to give directions to as to how such dogs or cats are to be dealt with, and provide for the recovery of any costs associated	The proposed provision is supported whilst acknowledging that Council should provide a supporting role, but not be

Item 3.1.1 - Attachment 1 - Draft Submission on the Dog and Cat Management (Breeder Reforms) Amendment Bill 2024

City of Salisbury – Draft Submission on the Dog and Cat Management (Breeder Reforms) Amendment Bill 2024.

Review Item - <i>Breeder licensing</i>	Proposed Legislative Amendments	Administration Comment	City of Salisbury Recommendation
	circumstances where enforcement is required.	with dealing with such dogs and cats from the licence holder) It is important that the regulations do not place this task directly on Councils due to the potential cost implications to hold animals long term.	directed to undertake these duties where they create a responsibility to hold and or rehome the affected animals.
	Section 71F—Register of licensed breeders This section supports the existing public register of breeders so purchasers of puppies and kittens can check breeders are appropriately licensed.	No comment	The proposed provision is supported
Review Item – <i>Sale of dogs and cats</i>	Proposed Legislative Amendments	Administration Comment	City of Salisbury Recommendation
Current Provision The current Act provides for <i>breeder registration</i> and these changes reflect the change to a <i>licensing model</i> and the offences for selling under that model.	Section 71G—Offence to sell etc dogs of prescribed breed This section reflects the current offence to sell or give away dogs of a prescribed breed. Section 71H—Offences relating to sale of certain dogs and cats This section reflects the current requirements for dogs and cats to be microchipped, and if required desexed, before sale. Section 71I—Certain information to be given to buyers This section reflects the current requirements for specific information which must appear in advertisements and given to buyers as part of sale.	No comment	The proposed provision is supported

Item 3.1.1 - Attachment 1 - Draft Submission on the Dog and Cat Management (Breeder Reforms) Amendment Bill 2024

City of Salisbury – Draft Submission on the Dog and Cat Management (Breeder Reforms) Amendment Bill 2024.

Review Item <i>Dog Attacks</i>	Proposed Legislative Amendments	Administration Comment	City of Salisbury Recommendation
<p>Current provision</p> <p>Where a person sets a dog to attack a person or another animal, the maximum penalty is \$20000 or imprisonment for 4 years.</p> <p>Where the offence involves a dangerous dog. The maximum penalty is \$10 000 or imprisonment for 2 years where the dog is not previously identified as dangerous.</p> <p>The maximum penalty for an owner of a dog that attacks, harasses or chases a person or animal is \$2 500. This increases for the owner of a dangerous dog to \$5 000 for a first offence and \$10 000 for a subsequent offence.</p> <p>Similarly, for a dog wandering at large the maximum penalty is \$2 500, with a penalty of \$5 000 for a first offence involving a dangerous dog and \$10 000 for a subsequent offence.</p>	<p><i>The amendments propose significant updates to dog attack penalties and safety offences.</i></p> <ul style="list-style-type: none"> • Increase the maximum penalty where an owner sets their dog to attack another person or animal to \$100 000 or imprisonment for 4 years (if a dangerous dog) or \$50 000 or 2 years imprisonment otherwise. Further criminal law provisions may be applied if appropriate to these circumstances. • Increase the maximum penalty for a dog attack by a dangerous dog causing serious injury to \$50 000 and \$25 000 for a dog not previously identified as dangerous. • Increase the maximum penalty for a dog chasing, harassing or attacking and causing injury (other than a serious injury) to \$25 000 if committed by a dangerous dog or \$10 000 for a dog not previously identified as dangerous. • Increase the current maximum penalty for the owner of a dog wandering at large (often a precursor to an attack occurring) to \$5 000, or \$10 000 where the dog is a dangerous dog. • Substantially increase the expiation fees applying in these circumstances. 	<p>Under the Act, it is an offence for a dog to attack or harass another animal or person but the penalties are considered small in light of the potential consequences of any breaches.</p> <p>Local councils investigate and manage all dog attacks and have the power to issue a fine or prosecute owners. Councils may also impose control or destruction orders depending on the nature or severity of the attack.</p> <p>Stronger penalties have been recommended to respond to irresponsible and unsafe behaviour or dog owners and enhance the importance of being a responsible dog owner and keeping dogs under effective control.</p> <p>The larger penalties are associated with serious dog attacks, however this has not been defined and will need some guiding principles to ensure that the right enforcement options are taken by authorised staff.</p>	<p>The proposed provisions are supported with clarity to be provided through definitions or guidelines from the Board to define serious injury</p>

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Summary of expiation changes for dog attacks and wandering at large.

Section and Offence	Current Expiation Fee	Proposed Expiation Fee	Comment
43—Dogs not to be allowed to wander at large dangerous dog or a dog of a prescribed breed	\$750	\$1000	The proposed provisions are supported
43—Dogs not to be allowed to wander at large All other dogs	\$210	\$315	The proposed provisions are supported
44—Dogs not to be allowed to attack etc S44(3)(a) if the offence results in the death of, or serious injury to, a person, animal or bird	No similar provision in current Act	if the dog is a dangerous dog or a dog of a prescribed breed \$1 500; in any other case \$1 000.	The proposed provisions are supported
44—Dogs not to be allowed to attack etc S44(3)(b) In any other case	if the dog is a dangerous dog or a dog of a prescribed breed—\$750; in any other case \$315.	if the dog is a dangerous dog or a dog of a prescribed breed \$1 000; in any other case \$500.	The proposed provisions are supported

Other new and updated expiation fees

Section and Offence	Current Expiation Fee	Proposed Expiation Fee	Comment
45A—Miscellaneous duties relating to dogs (1) A person who owns or is responsible for the control of a dog is guilty of an offence if the dog is on premises and causes injury to a person or property of a person lawfully entering those premises.	if the dog is a dangerous dog or a dog of a prescribed breed \$750; in any other case \$315.	if the dog is a dangerous dog or a dog of a prescribed breed \$1000; in any other case \$750.	The proposed provisions are supported
Section 45A (7) A person who owns or is responsible for the control of a dog	No similar provision in current Act	Maximum penalty: \$1250. Expiation fee: \$210.	This provision is supported. However it will potentially provide some difficulty in enforcement and service level expectations for private

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Section and Offence	Current Expiation Fee	Proposed Expiation Fee	Comment
(not being an accredited assistance dog) is guilty of an offence if— (a) the dog defecates in a private place; and (b) unless the owner or occupier of the private place allows otherwise, the person responsible for the control of the dog does not immediately remove the faeces and dispose of them in a lawful and suitable manner.			residences and any neighbourly disputes and or expectations that council acts in public places such as shopping centres. The burden of proof in order to take action like any other offence will be to identify the dog and its owner.

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Review Item <i>Miscellaneous and Administrative amendments</i>	Proposed Legislative Amendments	Administration Comment	City of Salisbury Recommendation
Current Provision 4—Interpretation	4—Interpretation The Act sets out a number of terms and their interpretation. A number of definition changes are proposed to clarify ambiguity and to add new definitions as required.	No comment	The proposed provision is supported
Current Provision 12—Composition of Board (1) The Board consists of 9 members appointed by the Minister, of whom— (a) 4 will be nominated by the LGA; and (b) 4 will be nominated by the Minister; and (c) one, to chair the Board, will be jointly nominated by the LGA and the Minister.	12—Composition of the Board Amend to reduce Board members from 9 to 7. <ul style="list-style-type: none">• 3 will be nominated by the LGA; and• 3 will be nominated by the Minister; and• one, to chair the Board, will be jointly nominated by the LGA and the Minister.	No comment	The proposed provision is supported
Current Provision 21B—Board may keep register relating to microchipped and desexed dogs and cat	20—Centralised registration and management system 20—Board to establish centralised registration and management system (1) The Board must establish and maintain a centralised registration and management system for the purposes of this Act.	The amendment recognises the state-wide register (Dogs and Cats Online) which was introduced in 2018 and formalises that it is the Boards responsibility to establish and maintain the system by changing it from “may” to “must”.	The proposed provision is supported
Current Provision 24—Annual report	24—Annual report (of the Board) Amend the publishing date to 31 October to align with other reporting timeframes.	This is welcomed as it also allows for Councils to submit their required annual statistical and financial reporting in a timely manner	The proposed provision is supported

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Review Item <i>Miscellaneous and Administrative amendments</i>	Proposed Legislative Amendments	Administration Comment	City of Salisbury Recommendation
(1) The Board must, on or before 30 September in every year, forward to the Minister, the LGA and each council a report on the Board's operations for the preceding financial year.			
Current provision 25—Dog and Cat Management Fund (4) The Fund may be applied by the Board in making payments— (a) towards the cost of establishing or maintaining facilities used for the detention of dogs under this Act;	25—Dog and Cat Management Fund a) towards the cost of establishing or maintaining facilities used for the detention of dogs and cats under this Act;	Allows for the Dog and Cat Management Funds to be applied to facilities for the detention of dogs and cats by adding cats	The proposed provision is supported, however additional comments as per section and comments below relating to the <i>Dog and Cat Management Fund</i>
Current provision 26A—Plans of management relating to dogs and cats (1) Each council must, in accordance with this section, prepare a plan relating to the management of dogs and cats within its area. (2) A plan of management must include provisions for parks where dogs may be exercised off-leash and for parks where dogs must be under effective control by means of physical restraint, and may include provisions for parks where dogs are prohibited. (3) A plan of management must cover 5 year periods and each plan must be prepared and presented to the Board at least 6 months before it is to take effect. (4) A plan of management must be approved by the Board before it takes effect. (5) A council may, with the approval of the Board, amend a plan of management at any	26—Plans of management relating to dogs and cats (1) Each council must, in accordance with any requirements set out in the regulations and any relevant guidelines issued by the Board, prepare a plan relating to the management of dogs and cats within its area (which may be combined with another plan prepared by the council under this or any other Act). (2) A council must, on preparing or amending a plan of a management, in a manner and form determined by the Board, notify the Board of that fact.	The proposed changes allow councils to incorporate their dog and cat management planning with other operational planning to simplify processes and improve clarity for the community. It also enables council to update their plans as required and provide for a more contemporary and responsive plan built into the Corporate planning process and cycle without the additional administrative reporting to the Board.	The proposed provision is supported

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Review Item <i>Miscellaneous and Administrative amendments</i>	Proposed Legislative Amendments	Administration Comment	City of Salisbury Recommendation
time during the course of the 5 year period covered by the plan.			
<p>Current provisions</p> <p>35—Registration procedure for businesses involving dogs (1) The owner or operator of a business consisting of or involving— (a) a kennel at which dogs are bred or trained; or (b) the provision of security or other services involving the use of dogs, may apply, in the manner and form approved by the Board, to the Registrar of the area in which the business is (or is to be) situated or from which the business is (or is to be) operated for registration of the business.</p>	<p>34, 35 & 37—Registration procedure for business involving dogs</p> <p>Reference to registration procedure for businesses is to be removed.</p>	<p>This change will require all dogs to be individually registered with a dog registration disc issued and the appropriate registration fee payable.</p> <p>Removing business registration also prevents unfair registration fee disparity for businesses registered in one council area, where dogs are kept in another council area</p> <p>This matches current City of Salisbury procedure where there is a registration fee for every dog associated with a business.</p> <p>Every dog will be registered on DACO and have its own unique record so when dogs move around within the state, there is no need to re-register them.</p>	<p>The proposed provision is supported</p>
<p>Current provision</p> <p>38—Transfer of ownership of dog If ownership of a dog is transferred from the person in whose name the dog is individually registered, the person must give to the new owner the certificate of registration and registration disc last issued in respect of the dog.</p>	<p>38—Transfer ownership of a dog</p> <p>This section is removed</p>	<p>It removes clause stating certificates and discs should be passed on from the current owner to the new owner.</p> <p>This is no longer necessary as the state-wide register (Dogs and Cats Online) allows for paperless transfers and paper registration certificates no longer exist.</p>	<p>The proposed provision is supported</p>
	<p>45A—Miscellaneous duties relating to dogs</p> <p>45A—after subsection (6) insert:</p>	<p>This is a new subclause penalty for dog owners who do not remove their dog’s faeces from a private place</p>	<p>The proposed provision is supported</p>

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Review Item <i>Miscellaneous and Administrative amendments</i>	Proposed Legislative Amendments	Administration Comment	City of Salisbury Recommendation
	(7) A person who owns or is responsible for the control of a dog (not being an accredited assistance dog) is guilty of an offence if— (a) the dog defecates in a private place; and (b) unless the owner or occupier of the private place allows otherwise, the person responsible for the control of the dog does not immediately remove the faeces and dispose of them in a lawful and suitable manner.	However, it will potentially provide some difficulty in enforcement and service level expectations for private residences and any neighbourly disputes. The ability to enforce this new provision will require the same burden of proof in order to act like any other offence and will require the identity the dog and its owner. Education will be the key method to ensure compliance.	
Current provision 45B—Dogs of prescribed breed (4) A person who sells or gives away, or advertises for sale or to give away, a dog of a prescribed breed is guilty of an offence.	45B—Dogs of prescribed breed Removes subclause 4 which states it is an offence to sell or give away a prescribed breed, which is addressed via breeder licence offences.	No Comment	The proposed provision is supported
Current provision 45C—Greyhounds (1) A person who owns or is responsible for the control of a greyhound must ensure that, at any time the greyhound is not confined in premises of which that person is the occupier— (a) in the case of a greyhound exempted from the requirement to wear a muzzle—the greyhound is under the effective control of a person by means of physical restraint; or	45C—Greyhounds (1) A person who owns or is responsible for the control of a greyhound (not being a racing greyhound) must ensure that, at any time the greyhound is not confined in premises of which that person is the 25 occupier, the greyhound is under the effective control of a person by means of physical restraint.	This change removes the requirement or need for pet/retired racing greyhounds to wear a muzzle when in public, which is consistent with many other states. Greyhounds must still always be physically restrained off property and racing greyhounds must wear a muzzle and be restrained Offleash greyhound events may still be held by Councils and subject to approval by Board and	The proposed provision is supported

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Review Item <i>Miscellaneous and Administrative amendments</i>	Proposed Legislative Amendments	Administration Comment	City of Salisbury Recommendation
(b) in any other case— (i) the greyhound has a muzzle securely fixed on its mouth capable of preventing it from biting any person or animal; and (ii) the greyhound is under the effective control of a person by means of physical restraint.		additional rules and controls as the Council sees fit.	
Current provision No similar provision exists	<p>50 & 51—Destruction and control orders & Grounds on which orders may be made</p> <p>50(1) (f) a Control (Wandering Dog) Order. (Section 50(6a) A Control (Wandering Dog) Order requires— (a) all reasonable steps to be taken to prevent the dog escaping from premises of which the person who is responsible for the control of the dog is the occupier; and (b) the dog or the person or both to undertake such approved training courses as may be specified in the order.</p> <p>51—Grounds on which orders may be made Section 51— (f) in the case of a Control (Wandering Dog) Order— (i) the dog is persistently wandering at large; or (ii) the dog is subject to an order made under a law of another jurisdiction that</p>	<p>This new section recognises the need to be able to issue orders on dog owners that have been found to consistently wander at large but not result in any attack or harassment to warrant a nuisance order or otherwise.</p> <p>This order will place a greater onus on dog owners to take steps to prevent their dog wandering at large and carries increased penalties for a breach of order.</p> <p>The new order will stipulate reasonable steps be taken by the owner to prevent the dog escaping and attend training where appropriate.</p>	The proposed provision is supported

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Review Item <i>Miscellaneous and Administrative amendments</i>	Proposed Legislative Amendments	Administration Comment	City of Salisbury Recommendation
	corresponds with a Control (Wandering Dog) Order.		
Current provision No similar provision exists	59C—Recognition of certain interstate orders 59(1) The Minister may, on the application of the Board or a council, or on the Minister's own initiative, recognise a prescribed interstate order.	This section allows the Minister (on application) to recognise specific interstate orders, such as a dangerous dog order, or a prohibition order. This amendment aims to manage the risk identified in another jurisdiction, without having to wait for an attack or incident to occur in South Australia.	The proposed provision is supported
Current provision No similar provision exists	60—Power to seize and detain dogs Section 60(1) (1) An authorised person may seize and detain a dog in any of the following circumstances: (g) if requested to do so by a member of an emergency service;	This allows council officers to collect and detain animals in emergency situations. Emergency services, such as police and ambulance officers, seek council assistance when a person is no longer to provide care for an animal. These new subclauses are needed for councils to have a clear process for seizing and handling these animals and the ability to impound and return without liability. However, they need to be supported with service level expectations and the understanding that we “may” seize in circumstances but not on call for emergency services.	The proposed provision is supported with service level expectations and the understanding that we “may” seize in circumstances but are not on call for emergency services.
Current provision Requires a physical notice to be displayed 61—Procedure following seizure of dog (1) If a dog is seized under this Division, it must either— (c) cause a notice to be displayed at the office of the council for the area in which the dog	61—Notice of seizure of dog S61(2)(a)(ii) cause such a notice to be published on the official website of the council for the area in which the dog was seized (or if the dog was seized outside municipal and district council areas, on the official website of SA Police).	This amendment contemporises the permissible actions by allowing councils to post notices online to help owners find their missing animals	The proposed provision is supported

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Review Item <i>Miscellaneous and Administrative amendments</i>	Proposed Legislative Amendments	Administration Comment	City of Salisbury Recommendation
was seized (or if the dog was seized outside municipal and district council areas, at the police station nearest to where the dog was seized) containing			
Current provision No similar provision exists	73—Sharing of information between Board and councils etc Amendments allow the authorities governing dog and cat management matters to share information, particularly in situations where there is a risk of harm to animals.	This new section provides clarity and ensures that there is no confidentiality breaches when agencies share information relevant to the enforcement of the Act	The proposed provision is supported
Current provision 83—No liability for action taken under Act A person incurs no civil or criminal liability by reason only of action lawfully taken in respect of a dog or cat under this Act.	83—No liability for action taken under the Act S83(2) Without limiting a provision of the Animal Welfare Act 1985, for the purposes of this section, a reference to action taken lawfully under this Act includes, in the case of the operation of Part 5A, a reference to any injury or harm caused to a dog or cat in good faith and without negligence in the course of taking action under that Part.	This new addition provides for liability protection for lawful actions under Part 5A-Destruction, seizure and detention of dogs and cats and is welcomed	The proposed provision is supported
Current provision 90A—Review of Act (1) The Minister must cause a review of the operation of this Act (as amended by the Dog and Cat Management (Miscellaneous) Amendment Act 2016) to be conducted within 6 months after the 5th anniversary of the commencement of this section.	90A—Review of Act (1) The Minister must cause a review of the operation of this Act (as amended by the Dog and Cat Management (Miscellaneous) 35 Amendment Act 2024) to be conducted within 6 months after the third anniversary of the commencement of this section.	This amendment provides for the Act to be reviewed every 3 years instead of 5. It will allow for more frequent changes to address any changes to dog and cat management and allow for improvements to be made as required.	The proposed provision is supported

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Review Item <i>Contemporising Amendments</i>	Proposed Legislative Amendments	Administration Comment	City of Salisbury Recommendation
The following small changes are also proposed to bring the legislation up to date.	Changing reference of ‘justice’ to ‘magistrate’	This is an administrative change that aligns the Act with other legislation requiring warrants to be authorised by magistrate	The proposed provision is supported
	Updated evidentiary provision	This is an administrative change with no significant change	The proposed provision is supported
	Removing provision about service of documents as this is covered by Legislation Interpretation Act 2021	This is an administrative change that aligns the Act with other legislation	The proposed provision is supported
	Updating the offence of abusing an authorised person to the Criminal Law Consolidation Act.	This brings the protection for authorised officers in line with emergency workers and offers staff the same protections.	The proposed provision is supported

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Cats

Review Item <i>Cats</i>	Proposed Legislative Amendments	Administration Comment	City of Salisbury Recommendation
<p>There is no current proposal to amend the <i>Dog and Cat Management Act 1995</i> to address cat management but rather the state government is considering the legislative and non-legislative framework for cat management. This includes developing policies, undertaking research and looking at implementation of practical on the ground actions, including:</p> <ul style="list-style-type: none"> • Cat desexing initiatives and grants to reduce unwanted litters • Supporting councils to develop and implement local by-laws. • Community education promoting responsible pet ownership. 	<p>Nil No changes proposed for cat management</p>	<p>The community survey undertaken for the development of the City of Salisbury’s Dog and Cat Management Plan 2022-2026 identified that most survey respondents (i.e. cat and non-cat owners) were in favour of state-wide cat laws, however they also supported Council introducing a cat by-law if these were not available.</p> <p>It is therefore preferred that the current round of legislative amendments also address the gaps in the Act relating to cat management. Consistent laws relating to cats are considered essential, especially in metropolitan areas to ensure a level of consistency for all cat owners and to assist in managing the nuisances created by cats across all boundaries</p> <p>Some of the areas addressed by recent Cat by-laws implemented by other Councils that have received Legislative Review Committee approval and would make for the foundations of legislative reform include:</p> <ul style="list-style-type: none"> • Cat registration, with associated registration fees as determined by Councils • Cats not to wander at large, with restrictions only applying after 9pm to 7am, alternatively if the restriction applies at all times then it will require confinement to a property. • Cats not to be a nuisance, including noise, odours, defecating or urinating on other persons premises or property • Limit on cat numbers, as determined by the Council 	<p>Amendment of <i>the Act</i> to include Cat management initiatives as follows is supported.</p> <ul style="list-style-type: none"> • Cat registration, with associated registration fees as determined by Councils • Cats not to wander at large, with restrictions only applying after 9pm to 7am, alternatively if the restriction applies at all times then it will require confinement to a property. • Cats not to be a nuisance, including noise, odours, defecating or urinating on other persons premises or property • Limit on cat numbers, as determined by the Council

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Dog and Cat Management Fund

Review Item <i>Dog and Cat Management Fund</i>	Proposed Legislative Amendments	Administration Comment	City of Salisbury Recommendation
<p>There is no current proposal to amend the Dog and Cat Management Fund, to which Council contributes 24% of dog registration revenues.</p> <p>Section 25 of the Act provides for the Fund to be applied:</p> <ul style="list-style-type: none"> • towards the cost of establishing or maintaining facilities used for the detention of dogs • towards the cost of research or education programs relating to dog or cat management, and • for the administrative expenses associated with the operation of the Board and • for any other purpose in furtherance of the objects of this Act. 	<p>No changes proposed to the Fund, other than the inclusion cats in Section 25(4)(a);</p> <ul style="list-style-type: none"> • towards the cost of establishing or maintaining facilities used for the detention of dogs and cats 	<p>Given the current restricted service levels being offered by the main two recognized shelters in South Australia, there is opportunity for the Board to invest significantly using the monies collected in the fund to support the provision of shelter capacity for dogs and cats so that Local Government can be delivered a guaranteed service level for unidentified, unowned and unclaimed dogs and cats.</p> <p>This would allow Council pounds like the Pooraka Pound to relocate dogs after 72 hours rather than hold them long term and be required to operate like a shelter which has resulted in significant cost increases.</p> <p>In the absence of a guaranteed commitment to support shelter capacity for all Local Government then there is opportunity to seek a review of the Fund contributions to enable Councils to manage our statutory responsibilities under the Act by enabling councils to retain at least 90% of revenue from dog registration fees.</p> <p>Reducing the Dog and Cat Management Fund contributions from 24% to 10% of dog registration revenue, based on 2024/25 revenue of \$980,919, would result in a Fund contribution of \$98,092 rather than \$235,421, and this would allow Council to redirect \$137,329 of registration revenue to dog and cat management locally including the operation of the Pound rather than contribute to the Fund.</p>	<p>Amendments be made to the Act and Regulations or a policy commitment be made for the Board and State Government to commit funds to establishing adequate dog and cat shelter capacity that can provide guaranteed service level for Local Government to support the relocation of unidentified, unowned and unclaimed dogs and cats.</p> <p>In the absence of that change it is recommend that Regulation 6 is amended so that the percentage of registration fees received by a council that must be paid into the Fund is 10% (for all councils, prescribed, and in any other case)</p>

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Draft for comment

South Australia

Dog and Cat Management (Breeder Reforms) Amendment Bill 2024

A BILL FOR

An Act to amend the *Dog and Cat Management Act 1995* and to make a related amendment to the *Criminal Law Consolidation Act 1935*.

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Draft

Dog and Cat Management (Breeder Reforms) Amendment Bill 2024**Contents**

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2

OPC MH/ 10.5.2024 11:04 AM
Prepared by Parliamentary Counsel

Draft**Dog and Cat Management (Breeder Reforms) Amendment Bill 2024**
Preliminary—Part 1

The Parliament of South Australia enacts as follows:

Part 1—Preliminary**1—Short title**

This Act may be cited as the *Dog and Cat Management (Breeder Reforms) Amendment Act 2024*.

5 **2—Commencement**

This Act comes into operation on a day to be fixed by proclamation.

Part 2—Amendment of *Dog and Cat Management Act 1995***3—Amendment of section 3—Objects**

Section 3—after paragraph (c) insert:

- 10 (d) to require breeders of dogs and cats to adhere to standards and guidelines that provide for the welfare of dogs and cats involved in breeding programs.

4—Amendment of section 4—Interpretation

- 15 (1) Section 4, definition of *attack trained dog*—delete "training, to attack a person on command;" and substitute:

training—

- (a) to attack a person on command; or
(b) in the sport of Internationale Gebrauchshund Pruefung (however described);

20 **Note—**

This sport is also known as Schutzhund, IGO or IGP.

- (2) Section 4—after definition of *Board* insert:

to breed or *bred*—see section 68;

25 *breeder's licence* means a licence to breed dogs or cats (or both) under Part 7 that is in force;

- (3) Section 4—after the definition of *cat* insert:

Control (Barking Dog) Order means an order of a kind referred to in section 50(6);

30 *Control (Dangerous Dog) Order* means an order of a kind referred to in section 50(3);

Control (Menacing Dog) Order means an order of a kind referred to in section 50(4);

Control (Nuisance Dog) Order means an order of a kind referred to in section 50(5);

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Control (Wandering Dog) Order means an order of a kind referred to in section 50(6a);

- (4) Section 4, definition of **dangerous dog**—after paragraph (b) insert:

or

- 5 (c) an order generally corresponding to a Control (Dangerous Dog) Order has been recognised under section 59C;

- (5) Section 4—after the definition of **effective control** insert:

emergency service means—

- 10 (a) SA Police;
 (b) SAMFS;
 (c) SACFS;
 (d) SASES;
 (e) SAAS;
 (f) any other entity prescribed by the regulations;

- 15 (6) Section 4—after the definition of **LGA** insert:

licensed breeder, or holder of a breeder's licence means a person who—

- (a) is the holder of a breeder's licence; or
 (b) is licensed (however described) to breed dogs or cats (or both) under a corresponding law;

- 20 (7) Section 4, after the definition of **private place** insert:

Prohibition Order means a Prohibition Order made under section 59A;

- (8) Section 4—**registered veterinary surgeon**—delete the definition

- (9) Section 4—after the definition of **unidentified cat** insert:

veterinarian has the same meaning as in the *Veterinary Services Act 2023*;

25 **5—Amendment of section 12—Composition of Board**

- (1) Section 12(1)—delete "9" and substitute:

7

- (2) Section 12(1)(a)—delete "4" and substitute:

3

- 30 (3) Section 12(1)—delete "4" and substitute:

3

6—Amendment of section 17—Proceedings

Section 17(1)—delete "5" and substitute:

4

Draft**Dog and Cat Management (Breeder Reforms) Amendment Bill 2024**
Amendment of *Dog and Cat Management Act 1995*—Part 2**7—Insertion of Part 2 Division 2A**

Part 2—after section 19 insert:

Division 2A—Centralised registration and management system**20—Board to establish centralised registration and management system**

- (1) The Board must establish and maintain a centralised registration and management system for the purposes of this Act.
- (2) The centralised registration and management system must contain the following registers:
- (a) a register of dogs and cats registered under this Act;
 - (b) a register of dogs and cats that are microchipped;
 - (c) a register of dogs and cats that are desexed;
 - (d) a register of assistance dogs;
 - (e) the register of licensed breeders kept under section 71F;
 - (f) any other register required to be kept by the regulations,
- and may contain such other registers or information the Board thinks fit.
- (3) A register must, in relation to each entry on the register, include the information required by the regulations and may include any other information the Board thinks fit.
- (4) A register may be kept wholly or partly in an electronic form.

8—Amendment of section 24—Annual report

Section 24(1)—delete "30 September" and substitute:

31 October

9—Amendment of section 25—Dog and Cat Management Fund

Section 25(4)(a)—after "dogs" insert:

and cats

10—Amendment of section 25D—General powers of authorised persons

- (1) Section 25D(2)(b)—delete "justice" and substitute:
magistrate
- (2) Section 25D(3)—delete "justice" and substitute:
magistrate
- (3) Section 25D(4)—delete subsection (4)

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Part 2—Amendment of *Dog and Cat Management Act 1995*

11—Amendment of section 26—Council responsibility for management of dogs and cats

Section 26(6)(b)(i)—delete "or businesses"

12—Substitution of section 26A

5 Section 26A—delete section 26 and substitute:

26A—Plans of management relating to dogs and cats

- 10 (1) Each council must, in accordance with any requirements set out in the regulations and any relevant guidelines issued by the Board, prepare a plan relating to the management of dogs and cats within its area (which may be combined with another plan prepared by the council under this or any other Act).
- (2) A council must, on preparing or amending a plan of a management, in a manner and form determined by the Board, notify the Board of that fact.

15 **13—Amendment of section 31—Offence to hinder etc authorised person**

Section 31(2)—delete subsection (2)

14—Amendment of section 34—Registration procedure for individual dogs

Section 34(3)—delete subsection (3)

15—Repeal of section 35

20 Section 35—delete section 35

16—Amendment of section 37—Notifications to ensure accuracy of registers

Section 37(2)—delete subsection (2)

17—Repeal of section 38

Section 38—delete section 38

25 **18—Amendment of section 42E—Certain dogs and cats to be desexed**

Section 42E(3)(b)—delete "a person registered as a breeder" and substitute:
the holder of a breeder's licence

19—Amendment of section 43—Dogs not to be allowed to wander at large

- 30 (1) Section 43(1), penalty provision—delete the penalty provision and substitute:
Maximum penalty:
- (a) if the dog is a dangerous dog or a dog of a prescribed breed—\$10 000;
- (b) in any other case—\$5 000.
- (2) Section 43(1), expiation fee provision, (a)—delete "\$750" and substitute:
- 35 \$1 000

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Amendment of *Dog and Cat Management Act 1995*—Part 2

- (3) Section 43(1), expiation fee provision, (b)—delete "\$210" and substitute:
\$315

20—Amendment of section 44—Dogs not to be allowed to attack etc

- (1) Section 44(1), penalty provision—delete "\$10 000" and substitute:
5 \$50 000
- (2) Section 44(2), penalty provision—delete the penalty provision and substitute:
Maximum penalty:
- (a) if the offence results in the death of, or serious injury to, a person,
animal or bird—
- 10 (a) if the dog is a dangerous dog or a dog of a prescribed
breed—\$50 000;
(b) in any other case—\$25 000.
- (b) in any other case—
- (a) if the dog is a dangerous dog or a dog of a prescribed
15 breed—\$25 000;
(b) in any other case—\$10 000.
- (3) Section 44(2), expiation fee provision—delete expiation fee provision and substitute:
Expiation fee:
- (a) if the offence results in the death of, or serious injury to, a person,
20 animal or bird—
- (a) if the dog is a dangerous dog or a dog of a prescribed
breed—\$1 500;
(b) in any other case—\$1 000.
- (b) in any other case—
- (a) if the dog is a dangerous dog or a dog of a prescribed
25 breed—\$1 000;
(b) in any other case—\$500.
- (4) Section 44(3)—delete "this section" first occurring and substitute:
subsection (1)
- 30 (5) Section 44(3)—delete "this section" second occurring and substitute:
that subsection

21—Amendment of section 45A—Miscellaneous duties relating to dogs

- (1) Section 45A(1), penalty provision, (a)—delete "\$5 000" and substitute:
\$10 000
- 35 (2) Section 45A(1), penalty provision, (b)—delete "\$2 500" and substitute:
\$5 000

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- (3) Section 45A(1), expiation fee provision, (a)—delete "\$750" and substitute:
 \$1 000
- (4) Section 45A(1), expiation fee provision, (b)—delete "\$315" and substitute:
 \$750
- 5 (5) Section 45A(3)—delete "registered veterinary surgeon" and substitute:
 veterinarian
- (6) Section 45A—after subsection (6) insert:
- (7) A person who owns or is responsible for the control of a dog (not
 being an accredited assistance dog) is guilty of an offence if—
- 10 (a) the dog defecates in a private place; and
- (b) unless the owner or occupier of the private place allows
 otherwise, the person responsible for the control of the dog
 does not immediately remove the faeces and dispose of them
 in a lawful and suitable manner.
- 15 Maximum penalty: \$1 250.
 Expiation fee: \$210.

22—Amendment of section 45B—Dogs of prescribed breed

- (1) Section 45B(1), penalty provision—delete "\$5 000" and substitute:
 \$7 500
- 20 (2) Section 45B(4)—delete subsection (4)

23—Amendment of section 45C—Greyhounds

- (1) Section 45C(1)—delete subsection (1) and substitute:
- (1) A person who owns or is responsible for the control of a greyhound
 (not being a racing greyhound) must ensure that, at any time the
 25 greyhound is not confined in premises of which that person is the
 occupier, the greyhound is under the effective control of a person by
 means of physical restraint.
 Maximum penalty: \$5 000.
 Expiation fee: \$315.
- 30 (1a) A person who owns or is responsible for the control of a racing
 greyhound must ensure that, at any time the racing greyhound is not
 confined in premises of which that person is the occupier—
- (a) the greyhound has a muzzle securely fixed on its mouth
 capable of preventing it from biting any person or animal;
 35 and
- (b) the greyhound is under the effective control of a person by
 means of physical restraint.
 Maximum penalty: \$5 000.
 Expiation fee: \$315.

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- (2) Section 45C(2)—delete "Subsection (1) does" and substitute:

Subsections (1) and (1a) do

- (3) Section 45C(2)—after paragraph (b) insert:

or

- 5 (c) is on premises with the consent of the owner or occupier of the premises.

- (4) Section 45C—after subsection (2) insert:

- (3) In this section—

10 *racine greyhound* means a greyhound currently registered as a racing greyhound with Greyhound Racing SA, or a corresponding body in another jurisdiction.

24—Amendment of section 45D—Attack trained dogs, guard dogs and patrol dogs

Section 45D(1), penalty provision—delete "\$5 000" and substitute:

15 \$7 500

25—Amendment of section 50—Destruction and control orders

- (1) Section 50(1)—after paragraph (e) insert:

- (f) a Control (Wandering Dog) Order.

- (2) Section 50—after subsection (6) insert:

20 (6a) A Control (Wandering Dog) Order requires—

- (a) all reasonable steps to be taken to prevent the dog escaping from premises of which the person who is responsible for the control of the dog is the occupier; and

25 (b) the dog or the person or both to undertake such approved training courses as may be specified in the order.

26—Amendment of section 51—Grounds on which orders may be made

Section 51—after paragraph (e) insert:

or

- (f) in the case of a Control (Wandering Dog) Order—

30 (i) the dog is persistently wandering at large; or

- (ii) the dog is subject to an order made under a law of another jurisdiction that corresponds with a Control (Wandering Dog) Order.

27—Amendment of section 55—Contravention of order

35 Section 55(1), penalty provision, (c)—after "Order" insert:

or Control (Wandering Dog) Order

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Dog and Cat Management (Breeder Reforms) Amendment Bill 2024
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28—Amendment of section 56—Notification to council

- (1) Section 56(1), penalty provision, (a)—delete "\$2 500" and substitute:
\$5 000
- (2) Section 56(1), penalty provision, (b)—delete "\$1 250" and substitute:
\$2 500
- (3) Section 56(1), expiation fee provision, (a)—delete "\$315" and substitute:
\$500
- (4) Section 56(1), expiation fee provision, (a)—delete "\$210" and substitute:
\$315

29—Amendment of section 57—Notification of order to proposed new owner of dog

- (1) Section 56(1), penalty provision—delete "\$1 250" and substitute:
\$5 000
- (2) Section 56(1), expiation fee provision—delete "\$210" and substitute:
\$500

30—Amendment of section 59B—Contravention of Prohibition Order

Section 56(1), penalty provision—delete "\$5 000" and substitute:
\$10 000

31—Insertion of Part 5 Division 4

After section 59B insert:

Division 4—Recognition of interstate orders

59C—Recognition of certain interstate orders

- (1) The Minister may, on the application of the Board or a council, or on the Minister's own initiative, recognise a prescribed interstate order.
- (2) The Minister recognises a prescribed interstate order by registering the order in accordance with any requirements set out in the regulations.
- (3) As soon as possible after registering a prescribed interstate order, the Minister must ensure that a notice is served on the person who is the subject of the order either personally or by registered post at the last known address of that person.
- (4) The notice must inform the person—
- (a) that the relevant prescribed interstate order has been registered under this section; and
- (b) that the registration of the order does not take effect until 14 days after the notice is served on the person; and

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- (c) that from the time the registration takes effect, a contravention of the order in South Australia is an offence.
- (5) The registration of a prescribed interstate order under this section takes effect 14 days after notice is served in accordance with subsection (4) on the person who is the subject of the order.
- (6) A person who is the subject of a prescribed interstate order registered under this section must comply with the order.
Maximum penalty: \$10 000.
Expiation fee: \$750.
- (7) Subsection (6) applies even if the order is varied after it is registered.
- (8) However, if a prescribed interstate order is varied after it is registered to create a new obligation on the person to whom the order relates, proceedings against the person in respect of a contravention of that obligation must not be started unless the person had notice of the obligation before the contravention occurred.
- (9) In proceedings for an alleged offence against subsection (6)—
- (a) production of a certificate apparently signed by the Minister stating that a prescribed interstate order was registered on a specified date is proof in the absence of proof to the contrary of the registration under this section of the order; and
- (b) production of a certificate apparently signed by the Minister setting out the terms of a prescribed interstate order at a particular date is proof in the absence of proof to the contrary of the terms of the order on that date.
- (10) In this section—
- corresponding law*** means a provision of a law of another State or Territory prescribed by the regulations as a corresponding law for the purposes of this section;
- prescribed interstate order*** means a court order made under a corresponding law corresponding to—
- (a) a Destruction Order;
- (b) a Control (Dangerous Dog) Order;
- (c) a Control (Menacing Dog) Order;
- (d) a Prohibition Order;
- (e) any other order, or order of a class, prescribed by the regulations;
- register*** means a register kept for the purposes of this section.

32—Amendment of section 60—Power to seize and detain dogs

Section 60(1)—after paragraph (f) insert:

- (g) if requested to do so by a member of an emergency service;

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(h) in any other circumstances prescribed by the regulations.

33—Amendment of section 61—Procedure following seizure of dog

(1) Section 61(2)(a)—delete paragraph (a) and substitute:

(a) either—

- 5 (i) cause a notice to be displayed at the office of the council for the area in which the dog was seized (or if the dog was seized outside municipal and district council areas, at the police station nearest to where the dog was seized) containing—
- 10 (A) a general description of the dog; and
(B) the day and time it was seized; and
(C) contact details of a person or body to whom further enquiries can be made; or
- 15 (ii) cause such a notice to be published on the official website of the council for the area in which the dog was seized (or if the dog was seized outside municipal and district council areas, on the official website of SA Police).

(2) Section 61—after subsection (6) insert:

- 20 (7) Nothing in this section prevents a person from taking a seized or detained dog that is sick, injured or distressed to a veterinarian for assessment and treatment.

34—Amendment of section 62—Destruction or disposal of seized dog

(1) Section 62(3)(b)(i)—delete "registered veterinary surgeon" and substitute:

veterinarian

25 (2) Section 62(3)(b)(ii)—delete "registered veterinary surgeon" and substitute:

veterinarian

35—Amendment of section 63—Power to destroy cats

Section 63(1)(d)(iv)—delete "registered veterinary surgeon" and substitute:

veterinarian

30 **36—Amendment of section 64—Power to seize and detain cats**

Section 64(2)(a)—delete "registered veterinary surgeon" and substitute:

veterinarian

37—Amendment of section 64D—Notification to owner of dog or cat destroyed etc under Part

35 Section 64D(3), definition of *prescribed person*, paragraphs (f)—delete "registered veterinary surgeon" and substitute:

veterinarian

Draft**Dog and Cat Management (Breeder Reforms) Amendment Bill 2024**
Amendment of *Dog and Cat Management Act 1995*—Part 2**38—Substitution of Part 7**

Part 7—delete Part 7 and substitute:

Part 7—Breeder's licences**Division 1—Preliminary****68—Meaning of *to breed* and *bred***

5

(1) For the purposes of this Act, the owner of a dog or cat will be taken to have bred any puppy or kitten (as the case requires) sired or birthed by the dog or cat.

10

(2) For the purposes of this Act, a person will be taken to breed, or have bred, a dog or cat if the person does any of the following:

15

(a) causes or allows (whether by act or omission) 1 or more dogs or cats owned by the person, or for the control of which the person is responsible, to mate;

(b) provides a dog or cat owned by the person, or for the control of which the person is responsible, to another person for the purpose of mating the dog or cat with another;

20

(c) artificially inseminates a dog or cat, or causes a dog or cat owned by the person, or for the control of which the person is responsible, to be artificially inseminated;

(d) provides semen or ova from a dog or cat owned by the person, or for the control of which the person is responsible to another person;

(e) any other act or omission of a kind prescribed by the regulations.

25

(3) To avoid doubt, each person who does an act or omission referred to in subsection (2) in relation to the breeding of a dog or cat will, for the purposes of this Act, be taken to have bred the dog or cat.

(4) However, subsection (2) does not apply in relation to—

30

(a) an act or omission referred to in that subsection that is done interstate or overseas; or

(b) an act or omission of a veterinarian acting in the ordinary course of their business in relation to a dog or cat that is not owned by the veterinarian, or for the control of which the veterinarian is responsible; or

35

(c) any other act or omission of a kind prescribed by the regulations.

69—Board may publish or adopt standards and guidelines

(1) The Board may, by notice in the Gazette, publish or adopt standards and guidelines for the purposes of this Part.

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- (2) The Board must cause a copy of any standards and guidelines, as in force from time to time, to be published on a website determined by the Board.

Division 2—Licensing of breeders of dogs and cats

70—Offence to breed dogs or cats unless licensed

A person must not breed a dog or cat unless the person is the holder of a breeder's licence that authorises the person to breed dogs or cats (as the case requires).

Maximum penalty: \$10 000.

Expiation fee: \$750.

71—Application for licence

- (1) An individual may apply to the Board for a licence (a *breeder's licence*) which authorises them to breed dogs or cats (or both).
- (2) An application for a breeder's licence must—
- (a) be made in a manner and form determined by the Board; and
 - (b) be accompanied by the prescribed fee; and
 - (c) contain such information and be accompanied by such records as the Board may require to determine the application.
- (3) The Board must not grant a licence to an applicant, or renew a licence on application by a licence holder, unless the Board is satisfied that—
- (a) the applicant is not prevented from holding a licence, or being registered, to breed dogs or cats under a corresponding law; and
 - (b) neither the applicant, nor a current spouse or domestic partner of the applicant, has been found guilty of a prescribed offence within the 5 years immediately preceding the application; and
 - (c) the applicant complies with any other requirements prescribed by the regulations.
- (4) Without limiting subsection (3), the Board may refuse to grant an application for any reason the Board thinks fit (including, to avoid doubt, that the Board does not consider the applicant to be a suitable person to breed dogs or cats (as the case requires)).
- (5) After determining an application under this section, the Board must—
- (a) notify the applicant in writing of the Board's decision; and
 - (b) if the Board refuses to grant the application, provide reasons for the decision.

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(6) A breeder's licence is not transferrable.

(7) In this section—

domestic partner means a person who is a domestic partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

spouse—a person is the spouse of another if they are legally married.

71A—Terms and conditions of licence

(1) Subject to this Act, a breeder's licence has effect for a period of 3 years from the day on which it is granted, or such shorter period as may be specified in the licence.

(2) The Board must impose the following conditions on each breeder's licence:

(a) a condition requiring the holder of the breeder's licence to comply with any relevant standards or guidelines published or adopted under this Part;

(b) a condition setting out the number of fertile female dogs or cats that may be owned, or under the control of, the holder of the breeder's licence;

(c) a condition setting out the number of litters that may be bred by the holder of the breeder's licence (whether from a particular female dog or cat, during a particular period, or otherwise);

and may impose such other conditions on a breeder's licence as the Board considers appropriate.

(3) A holder of a breeder's licence must not, without reasonable excuse, contravene a condition of the breeder's licence.

Maximum penalty: \$10 000.

Expiation fee: \$750.

(4) The Board may vary or revoke a condition imposed on a breeder's licence on the application of the holder of the breeder's licence or on the Board's own initiative.

71B—Reporting obligations

(1) The holder of a breeder's licence must notify the Board if any of the following occurs:

(a) a litter is born to a female dog or cat owned by the licence holder, or for the control of which the licence holder is responsible;

(b) a fertile female dog or cat owned by the licence holder, or for the control of which the licence holder is responsible, dies, is desexed, or otherwise ceases to be a part of the licence holder's breeding program;

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- (c) any other event prescribed by the regulations.
- (2) A notice under subsection (1)—
- (a) must be given in a manner and form, and within the period, determined by the Board; and
- 5 (b) must contain such information as may be required by the regulations or the Board.
- (3) The holder of a breeder's licence must not refuse or fail to comply with subsection (1).
- Maximum penalty: \$10 000.
- 10 Expiation fee: \$750.

71C—Renewal of breeders licence

- (1) The holder of a breeder's licence may apply to the Board for the renewal of the licence.
- (2) A renewal application—
- 15 (a) must, unless the Board allows otherwise, be made to the Board at least 3 months before the licence is due to expire; and
- (b) be made in a manner and form determined by the Board; and
- (c) be accompanied by the prescribed fee; and
- 20 (d) must contain such information and be accompanied by such records as the Board may require to determine the application.

71D—Suspension or cancellation of breeder's licence

- (1) The Board may, by notice in writing to the holder of a breeder's licence, suspend or cancel the breeder's licence—
- 25 (a) if the licence holder requests suspension or cancellation; or
- (b) if the Board is satisfied that the licence holder has contravened this Act or a condition of the licence; or
- (c) if the Board is satisfied that—
- 30 (i) the licence holder is prevented (however described) from holding a licence, or being registered, to breed dogs or cats under a corresponding law; or
- (ii) the licence holder is found guilty of a prescribed offence; or
- 35 (d) if the Board is satisfied that the licence holder is not, or is no longer, a suitable person to breed dogs or cats (as the case requires); or
- (e) in any other circumstances prescribed by the regulations.

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- 5
- (2) Before suspending or cancelling a licence under subsection (1), the Board must—
- (a) notify the licence holder that the licence holder may, within 30 days before the licence is to be suspended or cancelled, show cause why the licence should not be suspended or cancelled; and
- (b) consider any submission under paragraph (a).
- 10
- (3) The suspension or cancellation of a licence takes effect from the day specified in the notice, or in the case of a suspension, for the period specified in the notice.
- (4) On cancelling a person's breeder's licence, the Board may, by notice in writing, disqualify the person from holding or obtaining a breeder's licence for a specified period (not exceeding 5 years).

71E—Dealing with dogs and cats where breeder's licence suspended or cancelled

15

Subject to this section, any dog or cat owned by the holder of a breeder's licence that is suspended or cancelled is to be dealt with in accordance with the scheme set out in the regulations (which may, without limiting the generality of this subsection, provide that the Board, a council or an authorised person may give directions to as to how such dogs or cats are to be dealt with, and provide for the recovery of any costs associated with dealing with such dogs and cats from the licence holder).

20

71F—Register of licensed breeders

- 25
- (1) The Board must keep and maintain a register (which may be incorporated into another register kept under this Act) for the purposes of this Part.
- (2) The register must contain—
- 30
- (a) a record of each person licensed as a breeder under this Part (whether or not the licence is currently in force); and
- (b) a record of each person whose breeder's licence has been suspended or cancelled under this Act; and
- (c) a record of each person removed from the register under this Act or any reason,
- 35
- and may contain any other records or information as the Board thinks appropriate.

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 Part 2—Amendment of *Dog and Cat Management Act 1995*

Part 7AA—Sale of dogs and cats

Division 1—Sale etc of dogs and cats

71G—Offence to sell etc dogs of prescribed breed

- 5 (1) A person who sells or gives away, or advertises for sale or to give away, a dog of a prescribed breed is guilty of an offence.
 Maximum penalty: \$5 000.
- (2) Subsection (1) does not apply to the surrender of a dog of a prescribed breed to—
- 10 (a) the Royal Society for the Prevention of Cruelty to Animals (South Australia) Incorporated;
- (b) the Animal Welfare League of South Australia, Incorporated;
- (c) any other body or person specified by the regulations, or a facility operated by or on behalf of those bodies or persons.
- 15 (3) In proceedings for an offence against subsection (1), it is a defence for the defendant to prove that they did not know, and could not reasonably have been expected to have known, that the dog to which the offence relates was a dog of a prescribed breed.

71H—Offences relating to sale of certain dogs and cats

- 20 (1) A person must not sell a dog or cat unless the dog or cat has been microchipped in accordance with any requirement set out in the regulations.
 Maximum penalty: \$5 000.
 Expiation fee: \$315.
- 25 (2) A person must not sell a dog or cat unless the dog or cat has been desexed in accordance with any requirement set out in the regulations.
 Maximum penalty: \$5 000.
 Expiation fee: \$315.
- 30 (3) Subsections (1) and (2) apply—
- (a) whether or not the dog or cat is required to be microchipped or desexed or both under section 42A or 42E; and
- (b) whether or not the person is the breeder of the dog or cat.
- 35 (4) However, subsection (2) does not apply in relation to working livestock dogs.
- (5) This section does not apply to a sale of a dog or cat occurring in circumstances prescribed by the regulations for the purposes of this section.
- (6) Nothing in this section limits section 71G.

Draft

Dog and Cat Management (Breeder Reforms) Amendment Bill 2024
Amendment of *Dog and Cat Management Act 1995*—Part 2

71I—Certain information to be given to buyers

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- (1) A person who sells a dog or cat must give to the new owner a written notice setting out—
 - (a) the information required by the regulations relating to the identity of the seller of the dog or cat; and
 - (b) the information required by the regulations relating to the identity of the breeder or breeders of the dog or cat; and
 - (c) the information required by the regulations relating to vaccinations and other treatments given to the dog or cat; and
 - (d) the information required by the regulations relating to the dog's or cat's microchip; and
 - (e) any other information required by the regulations in respect of a sale of the relevant kind.Maximum penalty: \$5 000.
Expiation fee: \$315.
 - (2) A person who publishes an advertisement in relation to the sale of a dog or cat must ensure that the advertisement contains—
 - (a) the information required by the regulations relating to the identity of the seller of the dog or cat; and
 - (b) the information required by the regulations relating to the identity of the breeder or breeders of the dog or cat; and
 - (c) the information required by the regulations relating to vaccinations and other treatments given to the dog or cat; and
 - (d) the information required by the regulations relating to the dog's or cat's microchip; and
 - (e) any other information required by the regulations in respect of an advertisement of the relevant kind.Maximum penalty: \$5 000.
Expiation fee: \$315.
 - (3) This section does not apply in relation to a sale of a dog or cat, or an advertisement, of a kind prescribed by the regulations for the purposes of this section.
 - (4) In proceedings for an offence against subsection (1) or (2), it is a defence for the defendant to prove that they did not know, and could not reasonably have been expected to have known, the information to which the alleged offence relates.

Draft

Dog and Cat Management (Breeder Reforms) Amendment Bill 2024
Part 2—Amendment of *Dog and Cat Management Act 1995*

39—Amendment of section 72—Review of certain decisions by South Australian Civil and Administrative Tribunal

Section 72(4), definition of *reviewable decision*—after paragraph (b) insert:

- (ba) a determination of the Board to refuse an application under Part 7 Division 2;

40—Insertion of section 73

Before section 80A insert:

73—Sharing of information between Board and councils etc

(1) This section applies to the following persons and bodies:

- (a) the Board;
- (b) a council;
- (c) an authorised person;
- (d) the Department;
- (e) a person or body to whom functions related to the administration, operation or enforcement of the *Animal Welfare Act 1985* are delegated;
- (f) any other person or body, or person or body of a class, prescribed by the regulations.

(2) Despite any other Act or law, a person or body to whom this section applies (the *provider*) may, in accordance with any requirements set out in the regulations, provide information and documents to another person or body to whom this section applies (the *recipient*) if the provider reasonably believes that the provision of the information or documents would assist the recipient—

- (a) to perform functions under this Act; or
- (b) to manage any risk of harm to a dog or cat, or to dogs and cats generally (whether in this State or in another jurisdiction).

(3) Despite any other Act or law, information or documents that do not directly or indirectly disclose the identity of any person may be provided by one person or body to whom this section applies to another without restriction.

(4) Information or documents may be provided under this section whether or not the provider has been requested to provide the information or documents.

(5) In this section—

Department means the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of this Act.

Draft**Dog and Cat Management (Breeder Reforms) Amendment Bill 2024**
Amendment of *Dog and Cat Management Act 1995*—Part 2**41—Amendment of section 83—No liability for action taken under Act**

Section 83—after its present contents (now to be designated as subsection (1)) insert:

- 5 (2) Without limiting a provision of the *Animal Welfare Act 1985*, for the purposes of this section, a reference to action taken lawfully under this Act includes, in the case of the operation of Part 5A, a reference to any injury or harm caused to a dog or cat in good faith and without negligence in the course of taking action under that Part.

42—Repeal of section 87

Section 87—delete section 87

43—Substitution of section 88

Section 88—delete section 88 and substitute:

88—Evidentiary provision

In proceedings for an offence against this Act, an allegation in the information that—

- 15 (a) at a specified time a specified person owned or was responsible for the control of a specified dog or cat; or
- (b) a specified dog was a dog a prescribed breed; or
- (c) a specified dog or cat was, or was not, at a specified time registered under this Act; or
- 20 (d) a specified dog or cat was, or was not, at a specified time less than a specified age; or
- (e) a specified dog or cat was, or was not, at a specified time desexed; or
- 25 (f) a specified dog or cat was, or was not, at a specified time microchipped; or
- (g) a specified person was, or was not, at a specified time the holder of a breeder's licence breeder under Part 7; or
- (h) that a specified person was at a specified time an authorised person,

30 will be accepted as proved in the absence of evidence to the contrary.

44—Substitution of section 90A

Section 90A—delete the section and substitute:

90A—Review of Act

- 35 (1) The Minister must cause a review of the operation of this Act (as amended by the *Dog and Cat Management (Miscellaneous) Amendment Act 2024*) to be conducted within 6 months after the third anniversary of the commencement of this section.

Draft

Dog and Cat Management (Breeder Reforms) Amendment Bill 2024
 Part 2—Amendment of *Dog and Cat Management Act 1995*

- (2) The Minister must cause a report of the review under subsection (1) to be prepared and must, within 6 sitting days after receiving a report, cause a copy of the report to be laid before both Houses of Parliament.

5 **45—Amendment of section 91—Regulations**

- (1) Heading to section 91—after "Regulations" insert":

and fee notices

- (2) Section 91(3)—after paragraph (c) insert:

- 10 (d) make provisions of a saving or transitional nature consequent on the amendment of this Act or on the making of regulations under this Act.

- (3) Section 91—after subsection (3) insert:

- (3a) The Board and each council may prescribe fees for the purposes of this Act by fee notice under the *Legislation (Fees) Act 2019*.

15 **Schedule 1—Related amendments and transitional etc provisions**

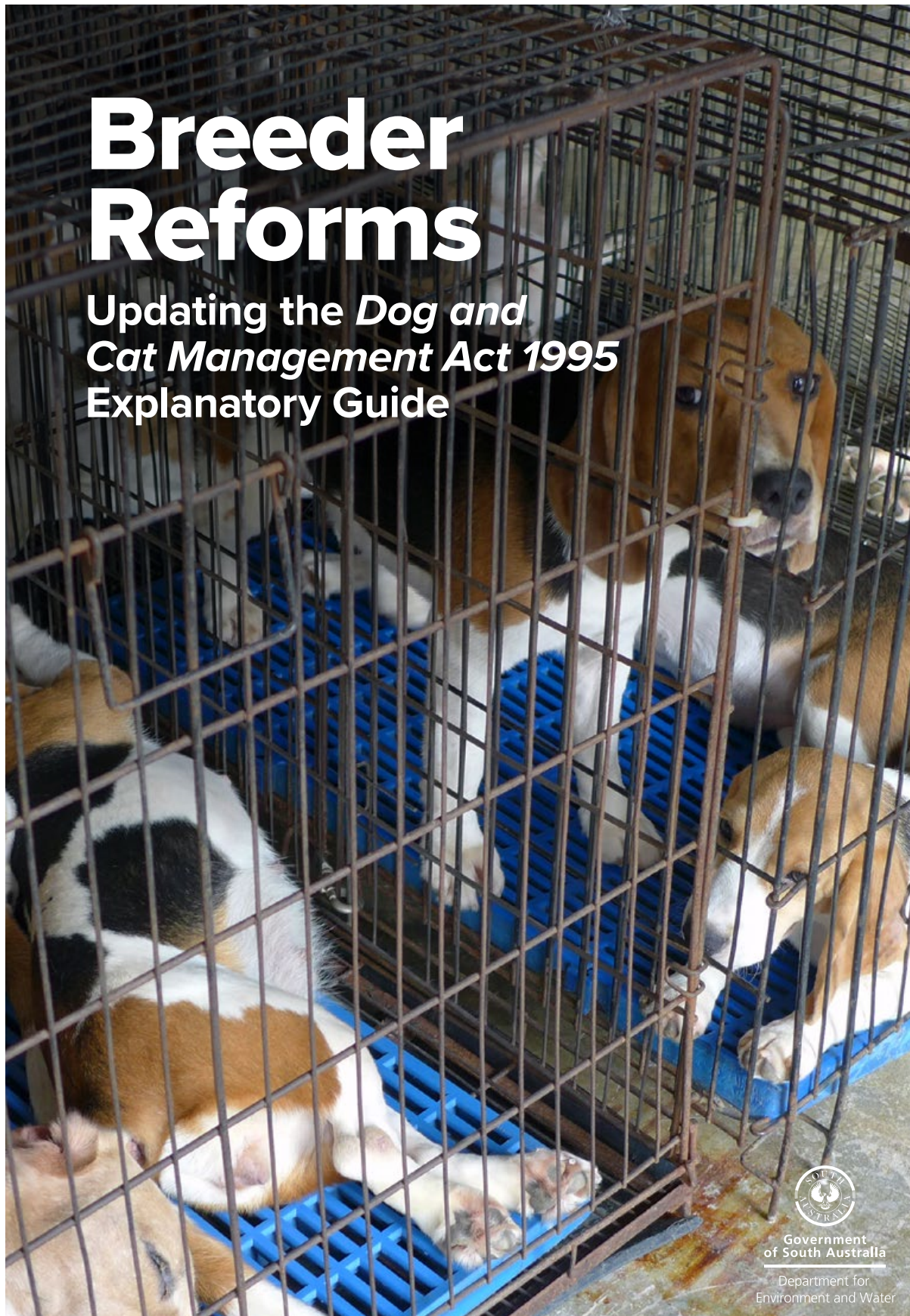
Part 1—Amendment of *Criminal Law Consolidation Act 1935*

1—Amendment of section 20AA—Causing harm to, or assaulting, certain emergency workers etc

- 20 Section 20AA(9), definition of *prescribed emergency worker*—after paragraph (k) insert:

- (ka) an authorised person within the meaning of the *Dog and Cat Management Act 1995*, or a person assisting an authorised person in the exercise of powers under that Act;

25 **Part 2—Transitional provisions**



Item 3.1.1 - Attachment 3 - Breeder Reforms Updating the Dog and Cat Management Act 1995 Explanatory Guide



2 | Explanatory Guide

Introduction

We are inviting South Australians to have their say on proposed changes to dog and cat management laws in our state.

The Act

The *Dog and Cat Management Act 1995* (the Act) is South Australia's legal framework for managing dogs and cats in South Australia. The Act outlines the responsibilities of dog and cat owners as well as breeders who have legal obligations relating to breeding and selling dogs and cats. The Act is administered in partnership with local government.

The Dog and Cat Management Board (the Board) undertook a review of the Act in 2022, which assessed the impact of the 2018 Act changes (mandatory desexing, microchipping and breeder registration), analysed the reforms needed to outlaw puppy factories, and identified a number of other changes which would improve administration of the Act.

The Board has also undertaken consultation with local government, welfare and breeding sectors about priority reforms for the dog and cat management sector.

Banning puppy factories – the need for change

The South Australian Government has made a commitment to ban puppy factories, the cruel practice of breeding dogs to sell the puppies while keeping the mothers in cramped conditions. Dog and cat owners in South Australia deserve to know that when you get a new dog for the family, it has come from a healthy and cared for mother.

Stronger penalties for dog attacks

Dog bites are a serious public health and safety issue. Too many attacks occur in the community and this cannot be tolerated. The Act has offences for dog attacks and harassment, however, fines and penalties need to be reviewed and increased to act as a stronger deterrent for irresponsible owners.

The draft Bill

A Bill is a formal proposal for creating new laws or changing existing laws. Laws come into effect after a Bill (proposal) is passed in the same form by both houses of Parliament. The draft Bill, available on YourSAy, has all the detail and we've endeavoured to summarise the proposed changes in this document.

Explanatory guide

This explanatory guide outlines the proposed changes in the draft Bill in simple terms. The purpose of this document is to make it quicker and easier for you to understand the proposed changes and provide feedback as part of the community consultation process.

Have YourSAy

We want to know if you think these changes to ban puppy factories, increase penalties for dog attacks, and improve the operation of the Act are appropriate.

Your feedback will help us understand the collective community views regarding dog and cat management expectations.

After reading about the proposed changes, you may wish to respond to the online questionnaire via YourSAy.

Industry associations, government and non-government organisations have been invited to respond independently.

Banning puppy factories

Better regulation is required to eradicate puppy factories and ensure these cruel practices are illegal in South Australia.

Current situation

Dog and cat breeders must be registered on Dogs and Cats Online (DACO) and meet certain requirements to breed and sell animals. Breeders must also comply with the *Animal Welfare Act 1985* and the *South Australian Standards and Guidelines for Breeding and Trading Companion Animals 2017*.

The government is committed to banning puppy factories, and ensuring South Australia's rules governing dog and cat breeding are at least as strict as any other jurisdiction in the nation.

In 2022, the government introduced an immediate cap of fertile breeding females (50) which could be kept on a premises, or by one owner. Equal to the strictest in the nation, this removes the incentive for unscrupulous breeders to move from states with stricter laws to establish puppy factories in South Australia.

A review of legislation and approaches across Australia was undertaken to inform changes proposed in the draft Bill and support quality breeding practices.

Proposed amendments

Dog and cat breeding laws must be changed to meet community expectations. Breeders must provide appropriate care and respect for the animals they breed and produce. Puppies and kittens must not be bred from an animal that has been inadequately housed or cared for or bred from too many times.

The Bill proposes to introduce a robust licensing scheme where all breeders will be assessed against set criteria in order to obtain a breeder's licence. Breeders will need to demonstrate that they have appropriate knowledge, facilities and management plans in place to properly care for and breed animals. This means that larger breeders will need to do much more, to gain a licence.

The amendments will also include robust monitoring and enforcement, with new penalties for failing to comply with breeding laws. These changes will act to eliminate puppy factories and create greater confidence in South Australia's breeding sector.

4 | Explanatory Guide





Updating the Dog and Cat Management Act 1995 | 5

Breeder licensing

The draft Bill proposes to introduce a new breeder licensing scheme based on best practice elements.

Preliminary

Section 68—Meaning to breed and bred

This section sets out definitions of breeding for context and clarity. These definitions reflect different ownership models and circumstances where breeders may arrange a breeding match between two differently owned animals. However, these models should not allow a person to avoid breeder regulation. Vets caring for or assisting animals in breeding processes are not required to obtain a breeder's licence.

Section 69—Board may publish or adopt standards and guidelines

This section sets out the Board's responsibility to publish or adopt standards and guidelines to set minimum requirements for dog and cat breeding.

The South Australian *Standards and Guidelines for Breeding and Trading Companion Animals 2017* are currently in review. Similar approaches in other states and territories are being considered. This will inform the changes required to provide the high standard of welfare in line with public expectations. The review is being conducted alongside the amendments to ensure changes are aligned with new requirements and best practice.

Licensing of breeders of dogs and cats

Section 70—Offence to breed dogs or cats unless licensed

This section introduces an offence and penalty for breeding dogs or cats without a licence. If an individual breeds dogs or cats without a licence or attempts to avoid the requirements, they will be operating illegally and penalties may apply.

Section 71—Application for licence

This section sets out the process and requirements for applying for a breeder licence. The Board will determine the information requirements, develop the application form, and set licence fees. Individuals will need to provide information specified by the Board or set by regulations to obtain a breeder's licence. This includes information about their breeding property, facilities, animal management and breeding experience, and plans outlining how animals will be cared for, socialised, exercised and bred from.

All breeders, even those with one animal, will need to apply for a licence. Even animals in smaller breeding operations can be harmed by inappropriate practices and overbreeding. When setting application requirements, the Board will consider smaller operations with 5 or less fertile females as well as larger breeders. The process will balance appropriateness of ad-hoc and smaller hobby breeding operations whilst ensuring more stringent requirements for large or commercial breeders.

Breeders who have been banned from holding a breeder's licence in another state or territory, or convicted of specific offences (including animal welfare offences) will be ineligible for holding a breeder's licence.

Breeder licensing fees will fund breeder licensing administration, auditing and enforcement. Working together, the Board and councils will ensure breeders comply with local by-laws, such as land use and limits on number of animals kept at a property. Animal welfare laws remain governed by the *Animal Welfare Act 1985*.

Section 71A—Terms and conditions of licence

In granting a licence, the Board will specify terms and conditions that the breeder must comply with. It will be an offence to breach licence conditions, and depending on the nature of the offence, licences can be revoked. Alternative arrangements may be made for breeding animals and penalties may apply (see 71E).

The following mandatory terms and conditions are included in the draft Bill:

- A requirement to comply with the *Standards and Guidelines*
- A limit on the number of fertile females owned by the breeder. This limit will be set based on the information provided as part of the application, such as facilities and care arrangements a breeder has in place.
- A limit on the number of litters from any one animal to prevent overbreeding from an individual animal.

Licences will be valid for a maximum of three years. The Board may impose other conditions, and vary conditions if required.

Section 71B—Reporting obligations

Licensed breeders will be required to report:

- Every litter, including details of the mother.
- Changes to animals in a breeding program, such as a fertile female dog or cat is desexed, sold, removed from the breeding program, or dies.
- Other matters required by regulations.

Failure to fulfil reporting obligations is an offence and penalties may apply.

Section 71C—Renewal of breeders licence

Licensed breeders must apply to renew their breeders licence. The Board will establish a process to facilitate this.

Section 71D—Suspension or cancellation of breeder's licence

This is an important enforcement mechanism, allowing a breeder's licence to be suspended or cancelled if a breeder no longer meets the licence requirements, or breaches the terms and conditions. Breeders may also be disqualified from breeding for up to 5 years.

While most breeders provide good care to their animals, poorly performing or recalcitrant breeders must not be able to operate. Where the behaviour is a serious offence under the *Animal Welfare Act* a breeder may also be liable for prosecution.

Section 71E—Dealing with dogs and cats where breeder's licence suspended or cancelled

This section is to ensure animals are dealt with safely and humanely in circumstances where enforcement is required.

Section 71F—Register of licensed breeders

This section supports the existing public register of breeders so purchasers of puppies and kittens can check breeders are appropriately licensed.

Sale of dogs and cats

Sales requirements are also updated to reflect the new licensing model.

Section 71G—Offence to sell etc dogs of prescribed breed

This section reflects the current offence to sell or give away dogs of a prescribed breed.

Section 71H—Offences relating to sale of certain dogs and cats

This section reflects the current requirements for dogs and cats to be microchipped, and if required desexed, before sale.

Section 71I—Certain information to be given to buyers

This section reflects the current requirements for specific information which must appear in advertisements and given to buyers as part of sale.

What do you think?

- *Do you think the changes proposed in the draft Bill requiring people to obtain a conditional licence to breed dogs and cats are appropriate?*
- *Do you think the application assessment elements are appropriate?*
- *Do you think the terms and conditions of the licence are appropriate?*

Dog attacks

Stronger penalties are needed for serious dog attacks. Irresponsible owners must be held accountable for their dogs and ensure they are not a public safety risk.

Current situation

Dog attacks are a serious safety risk and can cause significant distress to owners, animals and the community. Unfortunately, the numbers of attacks have been increasing over the past decade or more. Stronger penalties are needed to respond to irresponsible and unsafe behaviour.

In 2023, the government launched the Good Dogs have Bad Days campaign to increase awareness of the risk of dog attacks in the community. It is important we all understand that any dog can bite if feeling threatened, protecting territory, sick, frightened or provoked. Dog owners must keep their dogs properly contained, and on a leash or under effective control.

Under the Act, it is an offence for a dog to attack or harass another animal or person but the penalties are small. Local councils investigate and manage all dog attacks and have the power to issue a fine or prosecute owners. Councils may also impose control or destruction orders depending on the nature or severity of the attack.

Current penalties include:

- Where a person sets a dog to attack a person or another animal, the maximum penalty is \$20 000 or imprisonment for 4 years, where the offence involves a dangerous dog. The maximum penalty is \$10 000 or imprisonment for 2 years where the dog is not previously identified as dangerous.
- The maximum penalty for an owner of a dog that attacks, harasses or chases a person or animal is \$2 500. This increases for the owner of a dangerous dog to \$5 000 for a first offence and \$10 000 for a subsequent offence.
- Similarly, for a dog wandering at large the maximum penalty is \$2 500, with a penalty of \$5 000 for a first offence involving a dangerous dog and \$10 000 for a subsequent offence.

A dangerous dog is defined in the Act as a dog with a Dangerous Dog Control Order placed on it. Higher penalties also apply to offences by dogs of prescribed breeds – as set out in the Act.

New penalties

We are proposing significant updates to dog attack penalties and safety offences.

- Increase the maximum penalty where an owner sets their dog to attack another person or animal to \$100 000 or imprisonment for 4 years (if a dangerous dog) or \$50 000 or 2 years imprisonment otherwise. Further criminal law provisions may be applied if appropriate to these circumstances.
- Increase the maximum penalty for a dog attack by a dangerous dog causing serious injury to \$50 000 and \$25 000 for a dog not previously identified as dangerous.
- Increase the maximum penalty for a dog chasing, harassing or attacking and causing injury (other than a serious injury) to \$25 000 if committed by a dangerous dog or \$10 000 for a dog not previously identified as dangerous.
- Increase the current maximum penalty for the owner of a dog wandering at large (often a precursor to an attack occurring) to \$5 000, or \$10 000 where the dog is a dangerous dog.
- Substantially increase the expiation fees applying in these circumstances.

Further amendments are proposed to related offences and other duties relating to dogs, and in particular dangerous dogs as set out in the draft Bill.

What do you think?

Do you agree with the proposed increases to dog attack penalties?



Updating the Dog and Cat Management Act 1995 | 9

Aid clarity, remove red tape and facilitate action

Current situation

During the 2022 Act review, local government, state government, and industry stakeholders highlighted a number of minor issues within the Act which either caused confusion, were no longer relevant, or were a barrier to action.

The following miscellaneous amendments reflected in the draft Bill are explained in simple terms below. The intent is to help councils manage dogs and cats and facilitate better services for owners and the community.

Themes



Governance



Registration



Specific dogs



Orders and enforcement



Operational matters

Amendments proposed in the draft Bill



4—Interpretation

The Act sets out a number of terms and their interpretation. A number of definition changes are proposed to clarify ambiguity and to add new definitions as required.



(4—Interpretation) Attack trained dog

Amend the definition of an attack trained dog to accommodate the various types of attack training. The amendment will place additional obligations on the owners of these dogs.



12—Composition of the Board

Amend to reduce Board members from 9 to 7 which is the contemporary number for this type of Board.



20—Centralised registration and management system

Add new section that recognises the state-wide register (Dogs and Cats Online) which was introduced in 2018.



24—Annual report (of the Board) Amend the publishing date to 31 October to align with other reporting timeframes.



25—Dog and Cat Management Fund

Allows for the Dog and Cat Management Funds to be applied to facilities for the detention of dogs and cats.



26—Plans of management relating to dogs and cats

The proposed changes allow councils to incorporate their dog and cat management planning with other operational planning to simplify processes and improve clarity for the community.



34, 35 & 37—Registration procedure for business involving dogs

Is proposed to be removed given the introduction of mandatory microchipping and recording in Dogs and Cats Online. Every dog now has its own unique record so when dogs move around within the state, there is no need to re-register them. This change will require all dogs to be individually registered with a dog registration disc issued and the appropriate registration fee payable. Removing business registration also prevents unfair registration fee disparity for businesses registered in one council area, where dogs are kept in another council area.

38—Transfer ownership of a dog
Remove clause stating certificates and discs should be passed on from the current owner to the new owner. This is no longer necessary as the state-wide register (Dogs and Cats Online) allows for paperless transfers and paper registration certificates no longer exist.

45A—Miscellaneous duties relating to dogs
Add a new subclause penalty for dog owners who do not remove their dog's faeces from a *private* place.

45B—Dogs of prescribed breed
Remove subclause 4 which states it is an offence to sell or give away a prescribed breed, which is addressed via breeder licence offences.

45C—Greyhounds
Changes to remove the need for pet/retired racing greyhounds to wear a muzzle when in public, which is consistent with many other states. Greyhounds must still always be physically restrained off property and racing greyhounds must wear a muzzle and be restrained.

50 & 51—Destruction and control orders & Grounds on which orders may be made
Add subclauses introducing a new 'Wandering Dog' order to manage dogs which continually escape. The new order will stipulate reasonable steps be taken by the owner to prevent the dog escaping and attend training where appropriate. Section 4-Interpretation will also be updated to reflect the definition of orders.

59C—Recognition of certain interstate orders
Add a clause which allows the Minister (on application) to recognise specific interstate orders, such as a dangerous dog order, or a prohibition order. This amendment aims to manage the risk identified in another jurisdiction, without having to wait for an attack or incident to occur in South Australia.

60—Power to seize and detain dogs
Add a subclause to allow council officers to collect and detain animals in emergency situations. Emergency services, such as police and ambulance officers, seek council assistance when a person is no longer to provide care for an animal. These new subclauses are needed for councils to have a clear process for seizing and handling these animals.

61—Notice of seizure of dog
When dogs are seized, councils must return the dog to the owner, and display public notices with the dog's details in council offices or police stations if detained. This amendment contemporises the permissible actions by allowing councils to post these notices online to help owners find their missing animals.

72—Review of certain decisions by South Australian Civil and Administrative Tribunal
Amend to include decisions of the Board to refuse a breeder licence application.

73—Sharing of information between Board and councils etc
Amend to allow the authorities governing dog and cat management matters to share information, particularly in situations where there is a risk of harm to animals.

83—No liability for action taken under the Act
Clarifying liability protection for lawful actions under Part 5A-Destruction, seizure and detention of dogs and cats.

90A—Review of Act: Amend to have the Act reviewed again in 3 years.

91—Regulations: Amend to include fee notices, pursuant to the *Legislation (Fees) Act 2019*. This will allow regulation making powers for transitional provisions and support the new breeder licensing scheme being introduced.

Contemporising amendments

The following small changes are also proposed to bring the legislation up to date.

- Changing reference of 'justice' to 'magistrate'
- Changing reference of 'Veterinary surgeon' to 'veterinarian'
- Updated evidentiary provision
- Removing provision about service of documents as this is covered by *Legislation Interpretation Act 2021*
- Updating the offence of abusing an authorised person to the *Criminal Law Consolidation Act*.

What do you think?

Do you agree with these proposed amendments?

Have YourSAy

What do you think? Do you agree these changes will improve dog and cat management practices in South Australia? We have consulted widely to prepare these changes; now we want to know your thoughts.

Industry associations, government and non-government organisations have been invited to respond independently.

We will consider all feedback to finalise the draft Bill for Parliament to consider. A consultation report will be published on YourSAy. All respondents will be notified.



To have your say, complete the submission form at yoursay.sa.gov.au/breeder-reforms



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6 June 2024

Hon. Dr. Susan Close MP
Deputy Premier
Minister for Climate, Environment and Water
GPO Box 11071
Adelaide SA 5001

Dear Deputy Premier

Re: Dog and Cat Management (Breeder Reforms) Amendment Bill 2024

I refer to the *Dog and Cat Management (Breeder Reforms) Amendment Bill 2024* that has been drafted to improve dog and cat management in South Australia.

Council considered the *Dog and Cat Management (Breeder Reforms) Amendment Bill 2024* at its meeting on Monday 24 June 2024 and welcomed the proposed amendments to the legislation. A copy of Council's formal submission is attached for your consideration.

In addition to the proposed reforms, the City of Salisbury considers that there is a need for the legislative amendments to go further in addressing challenges that our community is facing in relation to cat management. It is also recognised that the local government sector has been significantly affected by the reduced availability of shelter support in South Australia. This has resulted in impacts to the welfare of dogs that are held on a long-term basis, large cost increases for Council as well as a reduction in cat management services to our community.

Cat Management

It is noted that the proposed legislative changes in the Bill do not make any changes to the *Act* that would see the introduction of state-wide cat laws. The introduction of compulsory microchipping and desexing for cats in 2018 has not seen any marked decline in cat populations being reported to Council or a reduction to cat nuisance complaints.

It is understood that the State Government is considering the legislative and non-legislative framework for cat management. This includes developing policies, undertaking research and looking at implementation of practical on-the-ground actions, including:

- Cat desexing initiatives and grants to reduce unwanted litters
- Supporting councils to develop and implement local by-laws
- Community education promoting responsible pet ownership.

A community survey undertaken in the development of the City of Salisbury's *Dog and Cat Management Plan 2022-2026* found that most respondents (i.e. cat and non-cat owners) were in favour of state-wide cat laws. To ensure a consistent approach to cat management across the State, it

is considered preferable for cat management issues to be addressed as part of the current legislative review process. The provisions that have received Legislative Review Committee approval and could be replicated in the *Act* include:

- Cat registration - with associated registration fees as determined by a council
- Cats not to wander at large - with restrictions only applying after 9pm to 7am, alternatively if the restriction applies at all times then it would require confinement to a property
- Cats not to be a nuisance - including noise, odours, defecating or urinating on other persons premises or property
- Limit on cat numbers - as determined by a council.

The legislative review should also consider the impact on cat owners for compliance and councils as the enforcement agency due to the potential increase in surrendered cats and the cost of receiving, caring for and rehoming or humanely disposing of more cats.

Dog and Cat Management Fund and Animal Shelter Capacity

The City of Salisbury and the broader local government sector have been significantly impacted by the lack of shelter capacity from the two main shelters located on South Australia, namely the Animal Welfare League and the RSPCA since early 2023. The absence of shelter capacity has led to a reduction in service offerings to local governments, which have been established under contractual arrangements and a fee for service arrangement.

The capacity issues have led a reduction in services to our local community in relation to cat management, where trapping and removal of unidentified and nuisance cats has had to cease. This has subsequently led to population increases and more nuisance complaints.

In relation dog management, the operations of the City of Salisbury and City of Tea Tree Gully's new purpose-built joint pound facility (Pooraka Pound) has had to transition from operating as a dog pound (with a 72 hour statutory hold for dogs) to a shelter model with long term holds. As a consequence, some dogs have been held for up to four months.

The changes to pound operations have required an increase in the cleaning regime, the introduction of new welfare measures for dogs, including enrichment activities, veterinary care and assessments, and seeking alternative adoption and fostering agencies to adopt or foster dogs (mostly consisting of volunteer networks). These changes have led to significant cost increases to manage impounded and unclaimed dogs, and has resulted in almost a 100% increase in pound operating costs from those originally estimated for 2023/24.

It is important to note that the newly purpose-built pound facility (opened in early 2023) was not designed to cater for the long term holding of dogs and this is significantly impacting on the welfare of dogs that are now being held for long periods of time.

The proposed amendment to Section 25 of the *Act* to include cats and allow the Dog and Cat Management Fund to be applied towards the cost of establishing or maintaining facilities used for the detention of dogs and cats under the Act is supported. In practice however, the Dog and Cat Management Board (the Board) has not applied collected funds towards facilities used for the detention of dogs, but rather has only recently offered a range of limited grants that have been applied

to upgrade some facilities. It should be noted that no funds were provided for the construction of the Pooraka Pound, the City of Salisbury and City of Tea Tree Gully's joint use facility which cost \$1.3M.

Given the current restricted service levels being offered by the main two recognised shelters in South Australia, (Animal Welfare League and the RSPCA), there is need for the Board and the State Government to invest significantly using the monies collected in the Fund to support the provision of increased shelter capacity for dogs and cats in order to deliver guaranteed service levels for local government for the relocation of unidentified, unowned and unclaimed dogs and cats.

In addition to improving the welfare of dogs (through their relocation after 72 hours) this would allow enable the recommencement of community cat trapping and relocation services to address cat nuisance concerns.

The City of Salisbury suggests that these matters could be addressed through additional amendments to the *Act* and Regulations, as well as policy commitments by the Board and/or State Government to commit funds and work with existing agencies to establish adequate dog and cat shelter capacity. This is essential to provide ongoing support for the relocation of unidentified, unowned and unclaimed dogs and cats.

In the absence of a guaranteed commitment to support increased shelter capacity for the local government sector as a whole there is opportunity to seek a review of Dog and Cat Management Fund contributions to support councils to manage their statutory responsibilities under the *Act*.

A reduction of the current fee from 24% to 10% of dog registration fees could be applied to assist and offset the increased costs associated with operating a pound as a defacto dog shelter. This would require an amendment to *Regulation 6* so that the percentage of registration fees received by a council that must be paid into the Fund is 10% (for all councils, prescribed, and in any other case).

The legislative amendments to the *Dog and Cat Management Act 1995*, will bring about some welcome operational and administrative changes, however they do not address the significant concerns in cat management affecting our community and the impact of inadequate animal shelter capacity.

We welcome the State Government and the Dog and Cat Management Board's urgent consideration of the above matters.

Please do not hesitate to contact me or Mr John Darzanos, Manager Environmental Health and Community Compliance on jdarzanos@salisbury.sa.gov.au should you have any queries in relation to the above matters.

Yours faithfully

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