



## **AGENDA**

**FOR GOVERNANCE AND COMPLIANCE COMMITTEE MEETING TO BE HELD  
ON**

**19 AUGUST 2024 AT THE CONCLUSION OF THE FINANCE AND CORPORATE  
SERVICES 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

### **APOLOGIES**

### **LEAVE OF ABSENCE**

### **PRESENTATION OF MINUTES**

Presentation of the Minutes of the Governance and Compliance Committee Meeting held on 15 July 2024.

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**REPORTS**

*Administration*

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*For Decision*

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**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**

**15 JULY 2024**

**MEMBERS PRESENT**

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

**STAFF**

General Manager City Development, Ms M English  
Team Leader Council Governance, Ms J O'Keefe-Craig  
Governance Administration Officer, Ms K Hernen  
Audit and Risk Manager, Ms S Kinsella  
Assessment Manager, Mr C Zafiropoulos

The meeting commenced at 6:46pm.

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

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## APOLOGIES

Nil.

## LEAVE OF ABSENCE

Nil.

## PRESENTATION OF MINUTES

Moved Cr J Chewparsad  
Seconded Cr L Brug

The Minutes of the Governance and Compliance Committee Meeting held on 17 June 2024, be taken as read and confirmed.

**CARRIED**  
UNANIMOUSLY

## REPORTS

### *Administration*

#### **3.0.1 Future Reports for the Governance and Compliance Committee**

Moved Cr K Grenfell  
Seconded Cr S McKell

#### That Council:

1. Notes the report.

**CARRIED**  
UNANIMOUSLY

### *For Decision*

#### **3.1.1 2024 Local Government Association Annual General Meeting - Proposed Items of Business**

Moved Cr K Grenfell  
Seconded Cr D Hood

#### That Council:

1. Notes the information relating to the Friday 22 November 2024 Local Government Association Ordinary General Meeting.

**CARRIED**  
UNANIMOUSLY

*Pursuant to Sections 74 of the Local Government Act 1999, Mayor G Aldridge declared a general conflict in relation to this matter based on being nominated for GAROC Membership. Mayor G Aldridge stated that she will deal with the conflict by vacating the meeting room for this item.*

*Mayor G Aldridge left the meeting at 6:48 pm.*

### **3.1.2 Nominations Sought for the Greater Adelaide Regional Organisation of Councils (GAROC)**

Moved Cr P Jensen  
Seconded Cr D Hood

That Council:

1. Approves Mayor Gillian Aldridge from City of Salisbury being nominated as a member of the Greater Adelaide Regional Organisation of Councils (GAROC), representing the North Region.

**CARRIED**  
UNANIMOUSLY

*Mayor G Aldridge returned to the meeting at 6:49 pm.*

### **3.1.3 Nominations Sought for Local Government Association President**

Moved Cr D Hood  
Seconded Cr J Chewparsad

That Council:

1. Approves for Mayor Michael Coxon from the City of West Torrens Council, referring to paragraph 3.8 from the report, being nominated for the position of Local Government Association President.

**CARRIED**  
UNANIMOUSLY

### *For Information*

### **3.2.1 Summary of Elected Member Training and Development Expenditure**

Moved Cr L Brug  
Seconded Cr S McKell

That Council:

1. Notes the report.

**CARRIED**  
UNANIMOUSLY

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**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)*

*There were no Other Business items.*

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**ORDERS TO EXCLUDE THE PUBLIC**

**3.4.1 Appointment of Independent Members on the Council Assessment Panel**

Moved Cr J Chewparsad  
Seconded Cr S McKell

The Governance and Compliance Committee orders:

1. *Pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, it is necessary and appropriate to exclude the public for the consideration of Agenda Item 3.4.1 Appointment of Independent Members on the Council Assessment Panel with the exception of the following persons:*

- *General Manager City Development*
- *Team Leader Council Governance*
- *Governance Administration Officer*
- *Audit and Risk Manager*
- *Assessment Manager*

*On the basis that:*

- *it relates to information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).*
2. *In weighing up the factors related to disclosure,*
- *disclosure of this matter to the public would demonstrate accountability and transparency of the Council's operations*
  - *Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person.*

*On that basis the public's interest is best served by not disclosing the **Appointment of Independent Members on the Council Assessment Panel** item and discussion at this point in time.*

**CARRIED**  
UNANIMOUSLY

The meeting moved into confidence at 6:55pm.

The meeting moved out of confidence and closed at 6:59pm.

CHAIRMAN.....

DATE.....





<b>ITEM</b>	3.0.1
	<b>GOVERNANCE AND COMPLIANCE COMMITTEE</b>
<b>DATE</b>	19 August 2024
<b>HEADING</b>	Future Reports for the Governance and Compliance Committee
<b>AUTHOR</b>	Monika Prasad, Governance Support Officer, CEO and Governance
<b>CITY PLAN LINKS</b>	4.2 We deliver quality outcomes that meet the needs of our community
<b>SUMMARY</b>	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:

<b>Meeting Item</b>	<b>- Heading and Resolution</b>	<b>Officer</b>
23/10/2023	<b>Consideration of Adoption of Employee Behavioural Standards</b>	Kia Logan
3.1.4	2. Gives further consideration to the adoption of additional behavioural standards in 12 months time.	
<b>Due:</b>	October 2024	

**4. CONCLUSION / PROPOSAL**

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

<b>ITEM</b>	3.1.1		
	<b>GOVERNANCE AND COMPLIANCE COMMITTEE</b>		
<b>DATE</b>	19 August 2024		
<b>PREV REFS</b>	Council	NOM1	28/03/2022
	Resources and Governance Committee	3.3.1	16/04/2018
	Resources and Governance Committee	3.3.1	20/01/2020
<b>HEADING</b>	Community Compliance Matters		
<b>AUTHOR</b>	John Darzanos, Manager Environmental Health & Community Compliance, City Development		
<b>CITY PLAN LINKS</b>	<p>4.2 We deliver quality outcomes that meet the needs of our community</p> <p>4.1 Members of our community receive an exceptional experience when interacting with Council</p> <p>4.4 We plan effectively to address community needs and identify new opportunities</p>		
<b>SUMMARY</b>	This report presents an overview of the community compliance activities and resource options for consideration to address the compliance matters associated with car parking around schools, dog and cat management and public nuisances.		
<b>RECOMMENDATION</b>			
	<u>That Council:</u>		
	<ol style="list-style-type: none"> <li>1. Notes the City of Salisbury's obligations under the <i>Local Nuisance and Litter Control Act 2016</i> and Council's By-Laws.</li> <li>2. Notes that the disruption to services from the Animal Welfare League have resulted in a new service being provided by the Community Compliance team managing welfare, rehoming and temporary shelter services for unclaimed dogs.</li> <li>3. Notes that a Quarter 1 Budget variation will be presented in the first quarter budget review for Contractual Services for 24/25 Financial Year to provide Pound coordinator services through a contracted service provider arrangement for the 24/25 financial year.</li> <li>4. Notes that a New Initiative Bid will be presented for the 25/26 Financial year for the creation of a 3-year contract for a full-time equivalent position in the Environmental Health and Community Compliance Division for a Pound Coordinator as either a direct employee or via a contracted service provider arrangement.</li> </ol>		

5. Notes that a Quarter 1 Budget variation will be presented in the first quarter budget review for Contractual Services for the implementation of a twelve (12) month Licence Plate Recognition trial to review and determine the benefits of the technology in parking enforcement and compliance in school zones and public car park areas.

## ATTACHMENTS

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

1. Attachment 1 - Service Areas Community Compliance
2. Attachment 2 - Local Nuisance and Litter Control Complaints
3. Attachment 3 - 2023 School Patrol and Expiations
4. Attachment 4 - Parksafes at Schools

### 1. BACKGROUND

- 1.1 The Community Compliance Team is responsible for the administration of a range of legislation and monitoring of a number of key public safety and community health issues to ensure the community's health and wellbeing is being maintained and enhanced and that public spaces and environments are utilised in accordance with their intended use, such as compliance with road rules and local bylaws.
- 1.2 The range of legislative responsibilities that are administered by the Community Compliance team includes:
  - 1.2.1 *Dog and Cat Management Act 1995*
  - 1.2.2 *Road Traffic Act 1961* and Associated Regulations, Australian Road Rules
  - 1.2.3 *Environmental Protection Act 1993* and the Environment Protection (Air Quality) Policy
  - 1.2.4 *Local Government Act 1999* (roads, community land use and litter provisions) and Council By-Laws
  - 1.2.5 *Private Parking Areas Act 1986*
  - 1.2.6 *Local Nuisance and Litter Control Act 2016*
  - 1.2.7 *Fire and Emergency Services Act 2005*
  - 1.2.8 *Landscape South Australia Act 2019*
  - 1.2.9 *Environmental Protection Act 1993* and Environment Protection (Burning) Policy.
- 1.3 On 28 March 2022, Council resolved:
  - 1.3.1 *Council requests the Administration to bring back a report addressing options to increase community compliance resources to address compliance matters associated with car parking around schools, dog registrations and public nuisances.*
- 1.4 The main functions and activities traditionally undertaken by the Community Compliance Team include the following key service areas:

- 1.4.1 Ensuring responsible dog ownership by administering the *Dog and Cat Management Act 1995* in relation to:
  - Dog registrations
  - Dog attack investigations
  - Responding to wandering dogs and impounding seized dogs
  - Dog noise and nuisance complaints
  - Leashing laws and dog free areas
  - Guard dogs
- 1.4.2 Ensuring compliance with road rules for fair equitable parking opportunities and to reduce threats to public safety, by enforcing the *Road Traffic Act 1961* and Australian Road Rules through:
  - Parking enforcement, in car parks, street parking and public places
  - School parking patrols
- 1.4.3 Enforcement of the *Local Government Act 1999* and Council By-Laws relating to roads, local government land, signage, waste and dogs, footpath trading and hoarding permits, abandoned vehicles.
- 1.4.4 Local Nuisance and Litter Control matters relating to littering and local nuisances from noise, odours, smoke, and animals.
- 1.4.5 Bushfire management and planning via control and reduction of fire risks associated with fuel load hazards on private properties.
- 1.4.6 Weekend, after-hours and public holiday call out service for dogs wandering at large, dog attacks and other urgent matters.
- 1.4.7 Providing educational information and advice in relation to compliance matters.
- 1.5 This report presents an overview of the community compliance activities and resource options for consideration to address the compliance matters associated with car parking around schools, public nuisances, animal management including requirements under the *Dog and Cat Management Act 1995* and *Animal Welfare Act 1985*.

## 2. EXTERNAL CONSULTATION / COMMUNICATION

- 2.1 External
  - 2.1.1 City of Tea Tree Gully
  - 2.1.2 Dog and Cat Management Board
  - 2.1.3 Animal Welfare League
  - 2.1.4 Local Government Association
  - 2.1.5 Pound cleaning contractors

### 3. DISCUSSION

#### *Community Compliance Activities*

- 3.1 The Community Compliance Team undertakes a range of proactive and recurrent routine patrols and inspections and responds to a large number of unplanned issues raised as a result of customer service requests where breaches of legislation and by-laws are impacting on members of the community.
- 3.2 The main functions and activities undertaken by the area include the following key service areas:
  - 3.2.1 Dog Attack Investigations - Ensure persons responsible for the care and control of dogs are held accountable for attacks by their dog(s) and adequate measures are implemented to prevent further attacks, by investigating all reported dog attacks (which includes harassment) and taking appropriate action under the legislation.
  - 3.2.2 Dogs Wandering at Large - Ensure all dogs wandering at large are seized and returned to owners where possible and adequate measures are implemented to prevent further incidents. When required impound animals at Council's Pooraka Pound facility.
  - 3.2.3 Dog Noise and Nuisance Complaints - Ensure that the impact of dog noise and nuisance complaints are minimised, and/or eliminated and that adequate measures are implemented to prevent further incidents.
  - 3.2.4 Dog Registration Assessments - Improve the rate of registered dogs in the city by conducting an annual registration assessment and educate or take appropriate action to ensure owners register their dogs.
  - 3.2.5 Parking Patrols - Ensure that community members are complying with applicable parking and road rules so as to enhance and protect the safety of pedestrians, minimise traffic congestions in and around school zones, encourage turnover and accessible parking opportunities in town centre precincts by undertaking regular parking patrols, and educate, or take appropriate further action for offences to reduce and prevent future offences.
  - 3.2.6 Local Government Act and By-Law Administration - Improve the safety and amenity of the area through the effective enforcement of the relevant sections of the Act and By-Laws relating to roads, local government land, signage, waste and dogs.
  - 3.2.7 Local Nuisance and Litter Control - Improve the safety and amenity of the area through the effective enforcement of the relevant sections of the Act – relating to littering and local nuisances from noise, odours, smoke, and animals.
  - 3.2.8 Bushfire Management and Planning - Undertake activities required for the development and effective operations of the responsibilities for Bushfire Management and Planning and improve the safety and amenity of the area through the effective enforcement and Administration of the relevant sections of the Act required for the effective control and reduction of risks from fuel hazards on private properties.

- 3.2.9 Weekend and After-Hours Service – Provide weekend services for all aspects of community compliance and an after-hours and public holiday call out service for dogs wandering at large, dog attacks and urgent matters.
- 3.3 Carparking patrols around schools and dog registrations are proactive activities that are deprioritised during periods when resources are allocated to higher-risk activities and customer requests.

***Local Nuisance and Litter Control Act 2016***

- 3.4 Public nuisances are associated with behaviours on local government land where persons behave in such a manner as to cause discomfort, inconvenience, annoyance or offence to any other person, and or create an annoyance that includes anything likely to offend or unreasonably interfere with any other person using that land; or occupying nearby premises, by making a noise or creating a disturbance.
- 3.5 A comprehensive review of the Community Compliance Team (formerly the General Inspectorate) was undertaken in 2016. The services in *Attachment 1* are consistent with those identified in the 2016 review, with the addition of responsibilities under the *Local Nuisance and Litter Control Act 2016 (LNLC Act)* which was implemented in 2017 and 2018. The services listed do not include the dog management issues arising from the AWL ceasing its rehoming and shelter services.
- 3.6 The 2016 review however did acknowledge that the forthcoming introduction of the *Local Nuisance and Litter Control Act 2016 (LNLC Act)* would create obligations on local government to manage and enforce local nuisances.
- 3.7 At the time of the review the number of nuisance complaints received by the Environment Protection Authority was comparatively low (40 in 2012/13 and 48 in 2013/14).
- 3.8 Following the introduction of the LNLC Act the actual number of nuisance complaints has been significantly higher than envisaged (approximately 1,600-1,700 per annum).
- 3.9 In 2022/23 there were 1,609 complaints, with 595 managed by the Environmental Health Team and 1,014 managed by the Community Compliance Team. A list of the complaints under the LNLC Act from 2017/18 to 2022/23 is contained in *Attachment 2 - Local Nuisance and Litter Control Complaints*.
- 3.10 The complexity of the complaints and the time required to address local nuisance complaints has seen the demand for resources increase in this area.
- 3.11 The nature of the complaints requires a significant amount of time to investigate and confirm (or otherwise) the presence of a local nuisance (e.g., noise, odours, dust, smoke, and waste disposal).
- 3.12 Often assessment of a nuisance requires an Authorised Officer to make a subjective assessment whereby they use their own senses to form an opinion.

- 3.13 Proceeding further with an investigation will often require confirmation of nuisance by a second Officer to ensure the conclusion reached is based on a sound decision-making process, that evidence gathered is robust and able to be relied upon for issuing of fines/expiations, and when providing evidence in Court.
- 3.14 Amendments to the LNLC Act will result in an increase in the number of complaints and complexity of investigations. Amendments include:
- 3.14.1 Rental properties are no longer be exempt.
  - 3.14.2 Light is introduced as a ‘nuisance’.
  - 3.14.3 Introduction of shopping trolley management requirements; and
  - 3.14.4 Amplified noise from places of worship are no longer be exempt.
- 3.15 Responsibilities under the Administrative Procedure are currently allocated to the following teams:
- 3.15.1 Environmental Health,
  - 3.15.2 General Inspectorate (now known as Community Compliance),
  - 3.15.3 Development Planning, and
  - 3.15.4 Development Building.
- 3.16 The Administrative Procedure will be updated to include amendments to the LNLC Act.

#### ***Carparking Patrols around Schools***

- 3.17 Car parking patrols are undertaken around schools to ensure that community members are complying with applicable parking rules so as to enhance and protect the safety of pedestrians and minimise traffic congestions in and around school zones.
- 3.18 The increase in traffic flow around schools in the afternoons often leads to non-compliances with drivers seeking opportunistic parking in the wrong areas or an expectation that traffic can be held up while they wait to collect children.
- 3.19 The presence of staff undertaking patrols from their vehicles alerts drivers and increases compliance, as does a presence of staff on foot when undertaking specific targeted patrols for identified high risk areas. This prevents illegal parking behaviour rather than resulting in expiations. It has been shown however that this changed behaviour does not continue when compliance staff are not present.
- 3.20 The current operating model for school parking patrols involves routine patrols (subject to availability) with two staff members attending schools and patrolling the surrounding streets and parking zones from their vehicle to enforce compliance with the road rules.
- 3.21 The main offences relate to ‘No Parking’ and ‘No Standing’, along with some parking on the verge or reserves and parking rules that can impact on public safety such as double parking and obstructing pedestrian ramps.
- 3.22 There are 39 school locations with the annual targets being 240 patrols to be scheduled over the school year.



- 3.23 Patrols range from two patrols per annum at some schools that have good traffic flow and compliance to a maximum of eight patrols at larger schools and those that have locations with poor traffic flow and low compliance rates (i.e., equal to two patrols per term).
- 3.24 Additional patrols are undertaken when complaints are received and/or requests are made from schools to assist in educating drivers in understanding and obeying parking road rules.
- 3.25 With current resource levels and changes to the focus of compliance functions (see section under *Dog and Cat Management 1995* below) the actual school patrol targets have reduced by approximately 15% (i.e., to about 200 per annum), with some school parking patrols only addressed on a complaint basis.
- 3.26 A targeted school patrol program that focused on higher risks schools in 2023 identified that on average only four parking offences were expiated per patrol, with the highest being nine expiations per patrol. During this program staff did not undertake any foot patrols for these schools. A summary is provided in *Attachment 3 - 2023 School Patrol and Expiations*.
- 3.27 An investment to increase resources to deliver increased patrols and a presence at schools will result in increased education about road rules and safety around schools, and result in compliance and changed behaviours, however expiations issued from school patrols does not provide a level of revenue that covers the costs of undertaking the patrols.
- 3.28 Maintaining compliance levels without staff being present relies on changed behaviours and a community education and compliance model that is driven by the community and making school parking a high priority. To support compliance with school parking rule the Community Compliance team developed a school parking campaign as shown in *Attachment 4 - Parksafes at Schools*.
- 3.29 In addition, physical posters and brochures directing the school community to our web pages via a QR code have been rolled out. Initial feedback has been positive and has been implemented across all schools in 2024. The online information can be readily translated online into a range of languages making it a cost-effective way to reach our culturally and linguistically diverse community.
- 3.30 Community Compliance routine patrols and presence to support and encourage compliance are only one measure and current resource commitments are considered to achieve a reasonable level of compliance supported with ad hoc inspections and responses to specific complaints.
- 3.31 Ongoing reviews of traffic management issues to facilitate improved traffic flows and parking opportunities around schools is also a key strategy. Alternative options to increase school parking compliance and changed behaviours include:
  - 3.31.1 Ongoing and as needed review of traffic management around schools to facilitate traffic flows and parking opportunities as part of City Infrastructure study.

- 3.31.2 Introduction of alternative technological options to undertake mobile school parking patrols (e.g., License Plate Recognition technology that relies on cameras mounted on vehicles that can record offences).
- 3.31.3 Work with individual schools and the Department for Education to encourage:
- Taking a proactive role in school parking education and make it a major focus of the school communities at the start of each term.
  - Engaging their own traffic management personnel (or volunteers) to oversee traffic flows, and Council can consider authorising the same personnel to issue expiations.
  - Investigate staggering finish times to facilitate a reduction in traffic at school pick up.
- 3.31.4 Provision of additional Community Compliance resources to facilitate increased school parking and foot patrols and engage with community.
- 3.32 Options that improve traffic and parking around schools and focus on working with school communities to improve driver education and behaviour are preferable to an enforcement approach (i.e., additional compliance staff) which has been shown to have limited long-term effect.
- 3.33 School zones will always require a level of enforcement to manage parking and ensure road rules are being followed in these areas and the investigation of technological advances to manage parking patrols and improve efficiencies is recommended.
- 3.34 The use of technological options to undertake school parking patrols through vehicle mounted cameras with License Plate Recognition technology could improve efficiencies for schools parking and town centre parking patrols.
- 3.35 New technology demonstrated by our current expiation software provider uses internally mounted smart phone cameras that work with our current software. It offers a cost-effective option to implement as a trial as it does not require additional staff or software and is compatible with all current available technology and systems.
- 3.36 The benefits of the license plate recognition technology can include improvements in efficiency to undertake and complete the target number of patrols, improve record and evidence gathering, improve work health and safety for staff (as they can undertake patrols from a vehicle), and improved compliance rates, parking turnover and overall public safety.
- 3.37 The estimated costs to implement and trial this technology for 12 months is approximately \$20,000 for licensing and hardware. The trial will explore if it results in improved efficiencies for completing patrols, noting that increased surveillance does result in improved compliance rates. If the technology proves successful and robust data is captured for enforcement action it is anticipated that the costs of the trial would be offset by parking revenues
- 3.38 Previous trials utilising smart parking technology were held in 2017/2018 and the findings presented in *Item 3.3.1 Resources and Governance Committee, 20 January 2020 Parking Technology Trials*.

- 3.39 During this previous trial the benefits of the license plate recognition technology were:
- 3.39.1 Flexible to adapt to any street where timed or other zones are located.
  - 3.39.2 Efficient process enabling patrols of car parks and streets in less time than foot patrols.
  - 3.39.3 Safer for officers as they are not exposed to inclement weather, potentially aggressive/confrontational citizens, and pedestrian hazards.
- 3.40 Some limitations of the previous trial were:
- 3.40.1 Assessing the effectiveness on user behaviors to improve parking turnover as it was not used for enforcement.
  - 3.40.2 It was not trialed in school zones.
  - 3.40.3 The accuracy of the GPS data was limited and as there was only one photo so identifying the accurate location of the vehicle was limited.
- 3.41 The previous trial was to be extended in 2020 (subject to a New Initiative Bid) to address some of the limitations however this was not implemented due to changes in operations and budget priorities resulting from Covid-19.
- 3.42 This proposed trial allows for newer technology to be reviewed and build upon the work of the previous trials. The latest technology aims to improve the accuracy of location data capturing multiple photographs to clearly identify the location of the vehicle. It can also enable patrols by one officer allowing staff resources to be redirected to the increased demands associated with local nuisance matters as well as supplementing patrols at schools with a staff presence for ongoing education and enforcement.

#### ***Dog and Cat Management 1995***

- 3.43 Dog registration is a statutory requirement, and all dog owners must ensure that their dogs are registered as per the requirements of the *Dog and Cat Management Act 1995*.
- 3.44 Annual registration assessments are undertaken by the team to ensure owners register their dogs when dogs are found to be unregistered. The annual registration assessments involve a range of initiatives to educate, encourage and enforce dog registration compliance in an effort to ensure all dogs in the city are registered and include:
- 3.44.1 Identifying unregistered dogs in the community through annual dog registration assessment which involves door knocking on average 6,000 to 9,000 properties with no registered dogs listed, and this results in approximately:
    - 12% of these premises being identified as having an unregistered dog,
    - 1,200 unregistered dogs being identified,
    - \$40,000 in dog registration revenues (with a flow on effect resulting in other dogs being registered due to knowledge of the assessments being conducted).

- 3.44.2 Undertaking relevant enforcement action as required:
- 400-600 annual expiations for unregistered dogs
  - Expiation revenue between \$68,000 to \$102,000. Noting that most recipients do not pay their fines and are transferred to Fines Enforcement and Recovery Unit with payment recovered through payment plans over a period of time.
- 3.44.3 Following up approximately 2,500 unexpired dogs at the end of registration renewal period. This ensures registration database information is kept up to date and unexpired dogs are registered.
- 3.44.4 Providing educational information (e.g., pamphlets, social media, street signage, dog park signage and at local vets) to encourage registrations.
- 3.45 Based on the 58,000 dwellings in the City of Salisbury it is estimated that approximately 22,000 have a registered dog and that 12% of the remaining 36,000 dwellings have an unregistered dog (with approximately 4,000 to 5,000 unregistered dogs in the Council area at any one time).
- 3.46 Dog registration assessments are a very resource intensive program, and the main option currently is to undertake a door-to-door assessment targeting those properties that do not have a registered dog.
- 3.47 The likely lost revenue from registrations is in the order of \$140,000 to \$180,000. A targeted program to investigate and ensure registration is likely to result in increased revenue in the order of \$90,000 (based on assessed 12,000-18,000 additional properties per annum). This does not include revenue from expiations for unregistered dogs and continuing offences.
- 3.48 It is considered however, that the level of resources currently allocated to this activity provides a balance of enforcement and education to the community. Whilst registration rates affect overall Council revenue, the actual offence of an unregistered dog does not necessarily pose any public health or safety risks the community.

#### ***Impact of changes to Animal Welfare League Services***

- 3.49 In early 2023, a new joint use Pooraka Pound was opened in partnership with the City of Tea Tree Gully (CTTG) to facilitate the holding of impounded dogs for both Council areas.
- 3.50 The Pound design was based on historical demands, forecasted occupancy rates and both Councils' dog management practices, whereby unclaimed dogs were held at the Pound for three days and then sent to the Animal Welfare League (AWL) who then assisted with the relocation and adoption of all unclaimed dogs.
- 3.51 Historically the City of Salisbury (CoS) impounded approximately 428 dogs per annum with an average of 150 dogs per annum being relocated to the AWL (i.e., 40% of impounded dogs).
- 3.52 The joint facility has delivered significant improvements in service provision providing:

- 3.52.1 An operational solution for both councils, delivering economies of scale and savings with the construction and operating costs shared proportionally.
  - 3.52.2 A high welfare environment for impounded animals, providing comfort and hygiene, a climate-controlled environment, and the ability to isolate unwell dogs to reduce the risk to healthy dogs.
  - 3.52.3 A safe, welcoming and convenient place for our residents to collect and be reunited with their lost pet, and with the knowledge that they have been kept in clean and comfortable surroundings.
  - 3.52.4 A comfortable and welcoming customer service area that maintains our commitment to exceptional customer service and provides staff with a safe, secure, accessible facility, that is available for safe impounding and access 24/7.
- 3.53 The final facility was provided with 26 pens and associated administration areas.
- 3.54 During construction of the pound in 2022, the Animal Welfare League (AWL) announced that they were restricting the intake of dogs, and this included those from CoS and CTTG. These restrictions were based on their occupancy rates and the shelter being at capacity along with changes to their operating modules relating to long term hold of all dogs.
- 3.55 In October 2022, the AWL ceased its intake of dogs and cats from councils. Initially these restrictions were thought to be temporary, however this has not changed and the regular collection service of unclaimed dogs from the CoS and CTTG has not resumed.
- 3.56 This has resulted in the Pooraka Pound operations having to change from that of a pound to operating like a shelter and the Community Compliance team having to implement a range of operational activities that were not previously required.
- 3.57 Consequently, unclaimed dogs are now being held for lengthy periods of time. Long-term holding in any shelter or pound can have a detrimental impact on dogs and there is a requirement to manage dogs' welfare and including physical and emotional wellbeing while in the care and control of Council.
- 3.58 Operations have had to shift the focus and ensure that impounded dogs are treated with the level of care and compassion required to improve their overall health and wellbeing by providing enrichment.
- 3.59 This has required staff to change practices at the pound and dedicate significant resources to manage dog welfare, engage in vet treatments, improve interactions, implement dog walking and undertake behavioural assessments. To facilitate dog relocations there has also been significant work with independent agencies to foster dogs from the pound.
- 3.60 The number of cat nuisance complaints have increased from 80 to 120 per annum over the last five years. Many complaints resulting in staff interventions to remove a large number of cats. With the AWL ceasing of all cat intakes from community trapped cats (i.e., in Council cat traps) this has resulted in significant staff time being allocated to managing abandoned and unowned cats and associated nuisance complaints.

*Improving Dog Welfare*

- 3.61 Impounded dogs require more than just a safe space. Their welfare needs are critical to ensure that the welfare of the animals is not compromised. To this end the Community Compliance team has implemented the following measures:
- 3.61.1 *Collaboration with local vets* to provide assessments and treatment to injured or ill dogs to ensure their comfort and recovery and that any treatments or medicines are administered correctly. Operational changes have required the development of documentation to record all medications administered and efforts to minimise the spread of diseases and ensure that every dog has the opportunity to heal and regain their health. These services were previously provided by the AWL.
  - 3.61.2 *Providing enrichment for impounded dogs* - in addition to medical care – it is recognised that toys and mental stimulation are crucial for the dog overall wellbeing to prevent boredom and stress and importantly contribute to the dogs' socialisation and behavioural development during their stay at the pound. Toys have been sourced through donations and direct purchase.
  - 3.61.3 *Walking and regular exercise* – is very important for dogs' wellbeing. Staff initially undertook this service as part of their duties, however given the significant time commitment and other priorities, this task has been included in the cleaning contractor's requirements with staff focusing ongoing support on higher demand dogs. This initiative contributes to the dogs' physical health, helps alleviate stress and provides a positive outlet for their energy.
  - 3.61.4 *Understanding each dog's unique personality and behavioural traits* - to increase their chances of finding suitable foster or forever homes staff observe and document each dog's personality profile on daily observation sheets to assist in understanding each dog's behaviour and personality, reactions to stimuli, socialisation skills, and general temperament.
  - 3.61.5 These profiles for dogs in long term care highlight the unique qualities and potential of each dog, and support to attract the attention of potential adopters or foster carers via shelter and independent foster networks. Temperament testing and assessments are critical for rehoming and are undertaken by a third party qualified behavioralist in order to identify the suitability (or not) of some dogs for ongoing care and rehoming.
  - 3.61.6 *Collaboration and partnering with small shelter* – staff have identified and are working with smaller and volunteer shelter agencies to have dogs go into foster care or be permanently adopted. This has required staff to work closely with these agencies and develop a partnership that ensures dogs are temperament tested, vaccinated and introduced to prospective foster carers. The partnering process involves staff sharing the behavior observations, overseeing dog introductions and ensuring the dog is right for the foster carer and any other dogs in their care or ownership. However recent demand on private shelter and foster groups has led to the administration investigating opportunities to adopt and foster direct from the pound.

- 3.62 The outcomes from these initiatives, has resulted in the Pound successfully dealing with and managing dogs with diseases, administering antibiotics, worming tablets and flea treatments, managing injured and pregnant dogs, scheduling regular vet checks, implementing an exercise regime and enrichment, and documenting personality and behavioural traits.
- 3.63 Between January 2023 and 30 April 2024, the Community Compliance team has managed the following in the City of Salisbury local government area:
- 3.63.1 1,119 reported cases of dogs wandering at large,
  - 3.63.2 518 dogs collected,
  - 3.63.3 67 dogs returned straight to homes from the field,
  - 3.63.4 451 dogs entering pound,
  - 3.63.5 282 returned to owner from the pound,
  - 3.63.6 89 relocated to another shelter for rehoming purposes,
  - 3.63.7 45 euthanised (when unclaimed, or where a behavioural assessment has indicated there is no chance of rehabilitation or rehoming due to health or behaviour issues, noting this includes dangerous dogs due to incidents/attacks),
  - 3.63.8 18 to AWL (which met their restricted criteria of being under 3 months), and;
  - 3.63.9 17 during his period were on register as still in the pound. Currently there are 10 long term dogs that have passed their behavioural assessment and are available to foster.
- 3.64 In comparison the CTTG has only had four (4) unclaimed dogs during this period. Currently there are 2 long term dogs that have passed their behavioural assessment and are available to foster.
- 3.65 In comparison between the same period the CTTG reported the following data for their service levels:
- 3.65.1 213 reported cases of dogs wandering at large,
  - 3.65.2 156 dogs collected,
  - 3.65.3 80 dogs returned straight to homes from the field,
  - 3.65.4 76 dogs entering pound,
  - 3.65.5 65 returned to owner from the pound,
  - 3.65.6 13 relocated to another shelter for rehoming purposes,
  - 3.65.7 0 euthanised,
  - 3.65.8 5 to AWL (which met their restricted criteria of being under 3 months), and
  - 3.65.9 4 during his period were on register as still in the pound. Currently there are 2 long term dogs that have passed their behavioral assessment and are available to foster.

- 3.66 The significant difference in impound rates between the two Councils has meant that the resourcing demand of delivering the above dog welfare and rehoming services has consistently been in the order of one FTE position for the City of Salisbury as CTTG has not had the same impact. As a consequence, there has been a decreased resource capacity for the CoS responding to other services provided by the Community Compliance team (e.g., parking controls, school patrols and investigations under LNLC Act) over the last 18 months.
- 3.67 There is a need to reconsider the operating model of the Pooraka Pound due to ongoing challenges with holding dogs on a long-term basis.

#### *Sector Response*

- 3.68 A number of smaller Metropolitan councils that do not have their own pound facilities have continued to receive services from either the RSPCA or AWL, however larger councils have had service interruptions similar to CoS and CTTG.
- 3.69 The AWL has indicated that it has implemented a priority-based intake approach for councils. In lieu of the regular pick-up service for our pound it is now a requirement to contact the AWL and identify if they have capacity to take any dogs. Their capacity and previous service levels have not returned since 2022 and intake of dogs from the City of Salisbury has been limited to selected dogs meeting strict criteria and predominately puppies. After several meetings with staff at the AWL there was no indication that previous service levels would resume in the foreseeable future, and they have not indicated any proposals to expand their facilities to increase capacity.
- 3.70 The current service restrictions of the two large shelters and the impact on the local government sector have been raised with the Local Government Association of SA. While the LGA has identified this issue as a topic for consideration in 2024/25 it is unlikely that there will be any immediate solution that would response to the service demands in the next 2-3 years.

#### ***Community Compliance Resourcing***

- 3.71 The Community Compliance Team reports to the Manager Environmental Health and Community Compliance Division within the City Development Department.
- 3.72 The team comprises the Team Leader Community Compliance, six Community Compliance Officers, a Fire Prevention and Community Compliance Officer and three Community Compliance Inspectors. The service includes an after-hours service providing a rostered officer up to 7.30pm each weekday and an on-call service for emergencies from 7.30pm to 8.30am.
- 3.73 A dedicated Weekend Compliance Officer provides a full range of community compliance services from 8.30am to 5.00pm Saturday and Sunday and an on-call service from 5pm to 8.30 am. The same service provides call out for high-risk activities, such as dog attacks and dogs wandering at large on public holidays. This service is provided through a contracted arrangement with a specialised service provider.



- 3.74 Administration support is provided by the Business Services Team which serves both the Environmental Health and Community Compliance Division, Development Services Division, and the Council Assessment Panel.
- 3.75 The operational requirements are also supported by contracted support services for animal pound cleaning, dog temperament testing, vehicle towing and impounding, and veterinary services as required.
- 3.76 Resourcing levels remain consistent with the 2016 Program Review despite the increase in Council's legislative responsibilities under the *Local Nuisance and Litter Control Act 2016* over the last seven years (i.e., increase from less than 50 complaints in 2013/14 to over 1,000 complaints in 2022/23) and the recent changes requiring the long-term holding of impounded dogs.
- 3.77 The additional legislative responsibilities and need to manage the long-term holding of dogs has resulted in a reduced capacity to maintain service standards within existing resourcing levels.
- 3.78 Given the complex nature of the dog welfare and rehoming services it is considered that any increase in resourcing in the Community Compliance team should prioritise the creation of a dedicated Pound Coordinator role at least in the short to mid-term (i.e., 3 years) to allow for a sector wide review and study as indicted by the Local Government Association. The skillset required for this role is different than a Community Compliance Officer as follows:
  - 3.78.1 Ability to develop and build relationships with smaller shelters, volunteer foster providers as well as not-for-profit organisations/educational institutions.
  - 3.78.2 Develop, maintain and update policy and procedures for animal welfare.
  - 3.78.3 Undertake and or support temperament testing and behavioural observations to support rehoming.
  - 3.78.4 Liaise with veterinary services to deliver for health checks, vaccinations and desexing services and administer medication as required.
  - 3.78.5 Organise microchipping of long-term impounded dogs that have meet requirements for rehoming.
  - 3.78.6 Provide enrichment for impounded dogs, coordinate walking and exercise regimes with cleaning contractors.
  - 3.78.7 Develop in house adoption and fostering programs.
- 3.79 The Pound Coordinator would also support all pound releases for owners claiming their pets, improving resource capacity in Community Compliance team for other field-based duties.

- 1.
- 2.
- 3.

#### 4. FINANCIAL OVERVIEW

- 4.1 The budget implication of the proposed resourcing option of a Pound Coordinator is estimated at \$145,000 per annum (current financial year) for either an employee and/or contracted service through a suitable provider.
  
- 4.2 The estimated cost to implement a 12-month trial of Licence Plate Recognition technology through our existing expiation software provider, covering licensing and hardware is approximately \$20,000. This is the most cost-effective option as the product is compatible with our current expiation system and would enable a seamless integration and implementation for a trial. It is anticipated that the costs of the trial would be offset by parking revenues if the technology proves successful and robust data is captured for enforcement action.

#### 5. CONCLUSION

- 5.1 This report responds to Council's request for a report to address options to increase community compliance resources for car parking around schools, dog registrations and public nuisances.
- 5.2 Additional community compliance resourcing would increase the level of service for compliance matters, including the investigation of nuisance matters under the *Local Nuisance and Litter Control Act 2016*.
- 5.3 However, given the significant impact that changes to AWL services is having on Council's obligations under the *Dog and Cat Management Act 1995* and *Animal Welfare Act 1985*, it is considered that an additional resource in the Community Compliance team would be most appropriate through the establishment of a new Pound Coordinator position.
- 5.4 Improvements in parking enforcement and increased patrols around schools and town centre precincts could be achieved with vehicle mounted cameras with Licence Plate Recognition technology. It is considered that that a 12-month trial would provide a cost-effective means to explore the benefits of this newer technology and determine the impact it has on maintaining and or increasing patrols and subsequently improving parking compliance and public safety.

## Service Area Community Compliance

Service Area	Service Element	Task
<b>Dog and Cat Management</b>	<b>Dog Attack Investigations</b> Ensure persons responsible for the care and control of dogs are held accountable for attacks by their dog(s) and adequate measures are implemented to prevent further attacks.	Investigate all reported dog attacks (which includes harassment) and take appropriate action under the provisions of the Dog and Cat Management Act 1995, to prevent future attacks, remove dangerous dogs and educate or take appropriate further action for offences
	<b>Dogs Wandering at Large (WAL)</b> Ensure all dogs wandering at large are seized and returned to owners where possible and adequate measures are implemented to prevent further incidents.	Investigate all reported dogs wandering at large and take appropriate action under the provisions of the Dog and Cat Management Act 1995, to seize the dog, return to the owners and educate or take appropriate further action for offences
	<b>Dog Noise and Nuisance Complaints</b> Ensure that the impact of dog noise and nuisance complaints are minimized and or eliminated and adequate measures are implemented to prevent further incidents.	<b>Dog Noise and Nuisances</b> Investigate all reported dogs noise and nuisance complaints and take appropriate action under the provisions of the Dog and Cat Management Act 1995, to eliminate and or reduce the noise or nuisance complaint, and educate or take appropriate further action for offences
	<b>Other Dog and Cat Management Activities</b> Provide other relevant services to customers in the area of dog and cat management.	<b>Keeping more than 2 dogs</b> Enforce Council By laws for keeping more than two dogs to ensure all owners are approved and compliant with the requirements of the by law
		<b>Lost Dogs</b> Record and capture information relating to reports of lost and found dogs in order to reunite dogs with their owners
		<b>Cat Enquiries and Activities</b> Undertake any relevant activity related to Cat control including nuisance complaints and trapping
	<b>Dog Attack Reduction Programs</b> Prevent and reduce the incidents of dog attacks within the City of Salisbury through the implementation of suitable programs and education campaigns.	<b>Dog Leashing</b> Enforce the relevant sections of the Dog and Cat Management Act and Leashing By Law to prevent attacks, educate or take appropriate further action for offences
		<b>Guard Dogs</b> Maintain an up to date register of guard dogs in the City of Salisbury and enforce the relevant sections of the Dog and Cat Management Act to prevent attacks, and educate or take appropriate further action for offences
<b>Dog Registration Assessments</b> Improve the rate of registered dogs in the City.	Conduct an annual registration assessment, and enforce the relevant sections of the Dog and Cat Management Act to ensure owners register their dogs, and educate or take appropriate further action for offences. Undertake additional Duties as per Action Plan annexed to the Business Plan	
<b>Enforcement</b> Enforcement action taken under the Dog and Cat Management Act	Expiations associated with investigations and complaints under the <i>Dog and Cat Management Act</i>	
<b>Parking and Traffic Activities</b>	<b>School Parking Patrols</b> Ensure that community members are complying with applicable parking and road rules legislation so as to enhance and protect the safety of pedestrians, and minimize traffic congestions in and around school zones.	Undertake regular school zone parking patrols and take appropriate action under the provisions of the Australian Road Rules, to reduce and prevent future offences and educate or take appropriate further action for offences.

## Service Area Community Compliance

	<p><b>General Parking Patrols</b> Ensure that community members are complying with applicable parking and road rules legislation so as to enhance and protect the safety of pedestrians, minimize traffic congestions and ensure adequate and equitable car parking is available for customers.</p>	Undertake regular parking patrols and take appropriate action under the provisions of the Australian Road Rules, to reduce and prevent future offences and educate or take appropriate further action for offences.
	<p><b>Abandoned Vehicles</b> Improve the safety and amenity of the City of Salisbury through the reduction of abandoned vehicles incidents</p>	Investigate all reported abandoned vehicles and take appropriate action under the provisions of the Local Government Act 1999, to have the vehicle removed, returned to the owners, or sold, and educate or prosecute offenders.
	<p><b>Other General Inspection Activities</b> Provide other relevant services to customers in the area of general inspection services.</p>	<p><b>Parking Complaints</b> Investigate request regarding parking complaints and take appropriate action under the provisions of the Australian Road Rules, to reduce and prevent future offences and educate or take appropriate further action for offences</p>
		<p><b>Private Parking</b> Administer the Private Parking Act and issue agreements and authority as required with property owners in the City of Salisbury</p>
	<p><b>Parking Enforcement</b> Administer the Australian Road Rules and Parking legislation</p>	Expiations associated with routine patrols and random patrols throughout the city
<b>General Activities</b>	<p><b>Burning Policy</b> Enhance and protect the environment through the enforcement of the Environment Protection (Burning) Policy.</p>	Investigate all reported burning complaints and take appropriate action under the provisions of the Environment Protection Act, to resolve the complaint and prevent its recurrence, and educate or take appropriate further action for offences.
	<p><b>Local Government Act and By-Law Enforcements</b> Improve the safety and amenity of the area through the effective enforcement of the relevant sections of the Local Government Act and By-Laws applicable to the General Inspectorate Section.</p>	<p><b>Footpath Trading Permits</b> Administer the relevant provisions of the Local Government Act and By-laws applicable to footpath trading permits, and ensure all traders are licensed and take appropriate action to resolve any breach and prevent its recurrence, and educate or take appropriate further action for offences</p>
		<p><b>Moveable Signs</b> Administer the relevant provisions of the Local Government Act and By-laws applicable to moveable signs, and take appropriate action to resolve any breach and prevent its recurrence, and educate or take appropriate further action for offences</p>
		<p><b>Other Animal/Bird Nuisance</b> Administer the relevant provisions of the Local Government Act and By-laws applicable to other animal and bird nuisances, and take appropriate action to resolve any breach and prevent its recurrence, and educate or take appropriate further action for offences</p>
	<p><b>Littering and Pollution</b> Administer the relevant provisions of the Local Government Act and By-laws applicable to littering and pollution, and take appropriate action to resolve any breach and prevent its recurrence, and educate or take appropriate further action for offences.</p>	
<b>Local Nuisance Litter Control</b>	<p>Investigate customer requests relating to concerns or alleged breaches of the <i>Local Nuisance and Litter Control Act</i> - General Litter - Development Pollution</p>	Administer the relevant provisions of the <i>Local Nuisance and Litter Control Act</i> applicable to local nuisance, littering and pollution, and take appropriate action to resolve any breach and prevent its recurrence, and educate or take appropriate further action for offences.

### Service Area Community Compliance

	<ul style="list-style-type: none"><li>- General Litter - Discharge Liquid Waste</li><li>- Nuisance Animal Mosquitoes Residential</li><li>- Nuisance Animals Vermin/Rats/Mice</li><li>- Nuisance Dust</li><li>- Nuisance Insanitary Condition Offensive Material/Odour</li><li>- Nuisance Insanitary Condition Rodents/Other Pests</li><li>- Nuisance Noise Environmental Health S17(1)(a) LNLC</li><li>- Nuisance Odours/Fumes/Aerosols</li><li>- Nuisance Smoke Combustion Heaters</li><li>- Nuisance Unsightly Condition Excessive Vegetation</li><li>- Nuisance Unsightly Disused/Derelict Items/Material</li><li>- Nuisance Unsightly Rubbish/Waste/ Excessive/Unconstrained</li></ul>	
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### Local Nuisance and Litter Control Complaints

<b>Environmental Health Team</b>	<b>2022/23</b>	<b>2021/22</b>	<b>2020/21</b>	<b>2019/20</b>	<b>2018/19</b>	<b>2017/18</b>
General Litter - Development Pollution	59	42	24	38	30	22
General Litter - Discharge Liquid Waste	75	61	86	64	75	74
Nuisance Animal - Mosquitoes Residential	17	15	18	8	8	12
Nuisance Animals - Vermin/Rats/Mice	110	107	88	60	59	88
Nuisance Dust	30	31	28	35	33	27
Nuisance Insanitary Condition Offensive Material/Odour	24	20	17	13	22	22
Nuisance Insanitary Condition Rodents/Other Pests	15	13	12	8	15	14
Nuisance Noise Environmental Health S17(1)(a) LNLC	26	8	11	8	8	0
Nuisance Odours/Fumes/Aerosols	41	56	37	45	44	30
Nuisance Smoke Combustion Heaters	24	18	22	39	29	29
Nuisance Unsightly Condition Excessive Vegetation	19	10	34	66	66	76
Nuisance Unsightly Disused/Derelict Items/Material	34	30	39	42	72	53
Nuisance Unsightly Rubbish/Waste Excessive/Unconstrained	121	118	122	109	98	91
<b>Total Environmental Health</b>	<b>595</b>	<b>529</b>	<b>538</b>	<b>535</b>	<b>559</b>	<b>538</b>

<b>Community Compliance Team</b>						
Litter Bill Posting	1	1	1	3	0	2
Litter Class A - Asbestos	1	1	1	0	0	0
Litter Class B - Glass/Syringe/Litter Cigarettes	2	1	0	1	0	3
Litter General - Litter Dumped/Thrown/Deposited	703	517	654	886	1047	928
Nuisance Animal - Offensive Odour	13	14	N/A	N/A	N/A	N/A
Nuisance Animals (other)	152	169	183	171	134	146
Nuisance Noise	108	95	85	92	91	93
Nuisance Projection Image onto Property	2	1	1	0	0	1

### Local Nuisance and Litter Control Complaints

Nuisance Smoke	10	31	32	39	21	25
Nuisance Unsightly Condition Graffiti	3	6	4	7	6	2
Nuisance Unsightly Excessive Vegetation/Vacant Land	19	13	53	0	0	0
Nuisance Vibration	0	0	1	1	1	0
<b>Total Community Compliance</b>	<b>1,014</b>	<b>849</b>	<b>1,015</b>	<b>1,200</b>	<b>1,300</b>	<b>1,200</b>
<b>Total Environmental Health and Community Compliance</b>	<b>1,609</b>	<b>1,378</b>	<b>1,553</b>	<b>1,735</b>	<b>1,859</b>	<b>1,738</b>



### School Patrol and Expiations 2023

School	Patrols	Expiations	Expiations per patrol (average)
Bethany Christian School	6	22	4
Burton Primary School	5	47	9
Ingle Farm Primary School	1	0	0
Keller Road Primary School	2	0	0
Lake Windemere CPC-7 School	4	32	8
Madison Park Junior / Primary School	6	23	4
Madison Park Kindergarten	4	3	1
Manor Farm Kindergarten	5	1	0
Parafield Gardens R-7 School	3	13	4
Paralowie R-12 School	3	9	3
Salisbury High School	6	11	2
Salisbury Junior / Primary School	1	4	4
Salisbury North R-7 School	6	26	4
Settlers Farm R-7 School	2	18	9
St Augustine's Catholic School	3	26	9
Temple Christian College	7	7	1
The Pines Junior / Primary School	3	12	4
Thomas More College	3	19	6
<b>Total</b>	<b>70</b>	<b>273</b>	<b>4</b>





# PARK SAFE AT SCHOOL

**READ THE SIGNS**



### No Parking Sign:

No parking zones allow you to stop there for 2 minutes and you must be with your vehicle at all times.



### No Stopping Sign:

This sign means that you cannot stop or park at all in this location. Sometimes No Stopping signs at schools also have a designated time where it is applicable. This means that during the times listed no vehicle can stop in this location, however outside of this time it is allowed.



### Bus Zone Sign:

A bus zone will have signs at either end and you are not allowed to stop or park in this location unless you are driving an approved bus.



# PARK SAFE AT SCHOOL

## CHECK THE LINES

**Continuous Yellow Line:**  
You cannot stop, park or pick up a passenger at the side of the road that has a continuous yellow line. Yellow lines create a safe clearway, improve line of sight for drivers and help improve traffic flows and reduce traffic congestion.

**Painted Island:**  
You cannot stop or park on a painted island. These are designed to improve traffic flow, allow entry and exits from road ways and parking areas and improve line of sight.

**Solid white lines:**  
You cannot park within 3 meters of a solid white line. Solid white lines in the centre of the road help provide space to prevent vehicles from crossing into the other lane and ensure driver safety near intersections and bends and improve safety at intersections.

**Yellow broken lines:**  
Yellow broken lines indicate there is a restriction in that area and are accompanied by signs.

Item 3.1.1 -- Attachment 4 - Parksafes at Schools



# PARK SAFE AT SCHOOL

## KNOW THE RULES



**Parking Too Close to Intersection**

You cannot park within 10 metres of an intersection or road junction that does not have traffic lights. This helps prevent obstructions and allows drivers to enter and exit roads safely without crossing on to the other side of the road and helps pedestrians see cars approaching.



**Pedestrian Crossing**

You cannot park within 10 metres of a pedestrian crossing. This helps prevent obstructions and allows drivers to clearly see any pedestrians and traffic control devices at the crossing.



**Double Parking**

You cannot stop in traffic next to another vehicle that is already parked near the kerb. This restricts traffic flow and leads to traffic congestion and also blocks the other vehicle from being able to safely exit.



**Footpath Access Ramps**

You cannot not park across or in front of pedestrian and footpath access ramps. These are there to assist pedestrian access and allow those with mobility issues and parents with prams to safely use the pathways.



**Blocking Driveway**

You cannot park across or obstruct a driveway, as this practice restricts access to and from private property.



# PARK SAFE AT SCHOOL

## KNOW THE RULES



**Verge, Nature Strip or Reserve**  
You cannot park or stop on a verge, nature strip or reserve. These areas are designed for pedestrian use only. Vehicles not only damage these areas but lead to pedestrian safety concerns forcing people onto roads and limiting line of sight for both pedestrians and other road users.

### Drive Safe Around Schools

**Check the speed limits** - School zones have a speed limit of 25 km/h at any time when a child is in the zone.

**Don't queue in traffic** - If you can't park the first time help reduce traffic congestion by going around the block and trying again.

**Park and walk** - If parking is limited by your school, help reduce the congestion and queues by parking further away and walking.



Item 3.1.1 -- Attachment 4 - Parksafes at Schools





<b>ITEM</b>	3.1.2
	<b>GOVERNANCE AND COMPLIANCE COMMITTEE</b>
<b>DATE</b>	19 August 2024
<b>HEADING</b>	Dog and Cat Management (Cat Management) Amendment Bill 2024
<b>AUTHOR</b>	John Darzanos, Manager Environmental Health & Community Compliance, City Development
<b>CITY PLAN LINKS</b>	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
<b>SUMMARY</b>	<p>This report provides an overview of the legislative amendments to the <i>Dog and Cat Management Act 1995</i> (the Act) as proposed by the Dog and Cat Management (Cat Management) Amendment Bill 2024 (the Bill). The Bill includes a range of amendments to improve the operation of the Act as it relates to cat management.</p> <p>The proposed amendments focus on resolving existing issues in the Act to allow local and State Government to effectively manage cats in an appropriate and balanced approach. There are no real significant changes regarding cat management relating to cats wandering at large or nuisances, but rather a continued focus on councils having a cat By-Law for their local area. The report provides an overview of the changes and a draft submission for Council's consideration on the draft Bill. Submissions must be lodged by 4 September 2024.</p>
<b>RECOMMENDATION</b>	
	<u>That Council:</u>
	<ol style="list-style-type: none"> <li>1. Approves the draft submission on the <i>Dog and Cat Management (Cat Management) Amendment Bill 2024</i> as presented in Attachment 1 to this report (Item No. 3.1.2, Governance and Compliance Committee, 19 August 2024)</li> <li>2. Authorises the Administration to lodge the submission on the <i>Dog and Cat Management (Cat Management) Amendment Bill 2024</i> with the State Government as Council's submission on the Bill as presented in Attachment 1 to this report (Item No. 3.1.2, Governance and Compliance Committee, 19 August 2024).</li> </ol>

**ATTACHMENTS**

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

1. Attachment 1 - Draft Submission on the Dog and Cat Management (Cat Management) Amendment Bill 2024
2. Attachment 2 - Dog and Cat Management (Cat Management) Amendment Bill 2024
3. Attachment 3 - Proposed amendments to the Dog and Cat Management Act to improve cat management - Explanatory Guide

**1. BACKGROUND**

- 1.1 The State Government via the Department for Environment and Water has released the Dog and Cat Management (Cat Management) Amendment Bill 2024 (the Bill) to amend the *Dog and Cat Management Act 1995* (the Act) for consultation (see Attachment 2).
- 1.2 To support the Bill, the State Government has also released *Proposed amendments to the Dog and Cat Management Act to improve cat management - Explanatory Guide* (see Attachment 3).
- 1.3 The Act is South Australia's legal framework for managing dogs and cats and it outlines the responsibilities of dog and cat owners and includes powers for local government and some stakeholders with a role in dog and cat management.
- 1.4 Cat management in South Australia is predominantly managed under the Act by local government and is supported in some council areas with local cat by-laws.
- 1.5 The Bill contains a number of proposals to amend the Act with a focus on four key areas. These include:
  - 1.5.1 Clarifying the power and authority for certain agencies to destroy unowned and unidentified or feral cats based on location
  - 1.5.2 The procedure to seize and detain a cat
  - 1.5.3 Procedures following seizure of cats
  - 1.5.4 The power to destroy and dispose of cats after seizure.
- 1.6 The Bill does not address a range of cat management initiatives that were previously raised by Council as presented in previous report (*Governance and Compliance Committee 17/06/2024, Item No. 3.1.1 Dog and Cat Management (Breeder Reforms) Amendment Bill 2024*).
- 1.7 The Bill places a focus on councils having By-Laws to address additional areas such as cat registration, wandering at large, nuisances and limits on cat numbers.
- 1.8 The proposed amendments refer to cat By-Laws and an order for council staff to be able to seize and detain a cat. Consequently, to enable services such as cat trapping and addressing nuisance cats to be provided to the community, the introduction of a Cat By-Law will be required. If a cat By-Law is not introduced then Council powers and services to the community for nuisance cats will be limited.

- 1.9 The proposed changes to seizure and detention aim to replicate dog laws and as such would require compulsory holding of all cats for 72 hours in line with dogs. This approach is a concern as there are currently no adequate facilities or service providers that can assist Council to deliver these services.
- 1.10 Council is not in a position to impound cats due to a range of issues. These include:
- 1.10.1 Work health and safety requirements for cat handling
  - 1.10.2 Impounding and disease control protocols for cat holding facilities
  - 1.10.3 Specialised skills needed for cat handling.
- 1.11 The report provides an overview of the proposed changes and the implications for Council. A draft submission on the Bill is attached for Council's consideration.

## 2. DISCUSSION

- 2.1 The Bill has been drafted to propose several changes to the Act and they relate to a minor administrative change and four other main categories that will be discussed in the report, namely:
- 2.1.1 Section 9A – Application of Act
  - 2.1.2 Section 63 – Power to destroy cats
  - 2.1.3 Section 64 – Power to seize and detain cats
  - 2.1.4 Section 64AA – Procedure following seizure of cat
  - 2.1.5 Section 64A – Destruction or disposal of seized cat.

### Section 9A—Application of Act

- 2.2 The first change relates to an administrative amendment through the inclusion of Section 9A of the Act. This simply aims to clarify that the Act does not limit the eradication of feral dogs and cats under other legislation.
- 2.2.1 *9A—Application of Act*  
*Nothing in this Act limits or otherwise affects a program to reduce or eradicate feral dogs or cats conducted under any other Act or law.*
- 2.3 This section clarifies that if there is an inconsistency between the Act and other South Australian legislation, the Act will not be a barrier to eradication programs for managing feral dogs or cats. This provision does not target owned cats. This proposed new section would only be used if there is an inconsistency between the Act and another South Australian legislation in relation to undertaking a program to address feral cats and dogs.
- 2.4 Administration has reviewed this provision and is supportive of this change.

### Section 63 – Power to destroy cats

- 2.5 The Act currently provides for the power to destroy cats for a range of other authorities based on the location of the cat. These relate to cats found in national parks and wilderness protection areas or areas greater than one (1) kilometre to residences such as farming properties. These controls are included for environmental and fauna protection purposes.

- 2.6 The existing section also allows for unidentified cats to be destroyed by a range of authorities, however the role of Council authorised officers in this section remains unclear, and the powers are limited and must be read in conjunction with *Section 64 - Power to seize and detain cats*.
- 2.7 The proposed amendments provide clarity for other agencies and authorities and allow for cats to be destroyed if found on someone's property that is a prescribed distance from a place of residence. The prescribed distance from a place of residence is proposed to be defined as:
- 2.7.1 *(a) if the regulations prescribe a distance for the purposes of this paragraph—that distance; or*
- 2.7.2 *(b) if the regulations do not prescribe a distance for the purposes of this paragraph—1 kilometre.*
- 2.8 This enables property owners to address cats found on their own rural properties.
- 2.9 There is a proposed amendment to the role and power of Council authorised officers to destroy a cat by referring to “circumstances prescribed by the regulations.”
- 2.9.1 *63—Power to destroy cats*  
*Without limiting subsection (1), an authorised person may lawfully destroy or injure a cat **in the circumstances prescribed by the regulations.***
- 2.10 As these prescribed powers are not specified in the Bill, appropriate comment cannot be made considering this amendment. It is considered important however that this provision is made clearer to ensure Council authorised officers can act under this section if required.
- 2.11 The main legislative provisions that will allow Council authorised officers to act in relation to cat nuisances are covered by the other proposed amendments to be discussed further in the report.
- 2.12 Therefore, as this provision relates to the destruction of cats in defined areas, it is supported by the administration as it aims to clarify responsibilities for other agencies, and rural property owners. Further, it provides for regulations to assist clarify the roles and functions of Council authorised officers and subsequently help to improve services to local communities. It would be beneficial to have some prelude as to the content of regulations that would support local government in the delivery of services for the local community.
- 2.13 It is recommended that local government be provided adequate opportunity to be consulted on any forthcoming Regulations to ensure that they support cat controls in local council areas such as reserves, local environmental areas of significance, and locations that are less than one (1) kilometre from any genuine place of residence, to allow for cat control in metropolitan environmental areas, smaller rural properties, and/or industrial premises.

*Section 64 – Power to seize and detain cats*

- 2.14 Currently anyone can seize and detain an ‘unidentified’ cat and deliver it within twelve (12) hours to a facility for the care of cats, as listed in the Act. This currently includes:

- 2.14.1 Royal Society for the Prevention of Cruelty to Animals (South Australia) Incorporated
- 2.14.2 Animal Welfare League of South Australia
- 2.14.3 A body or person specified by the Regulations (at present no other body or person is specified).
- 2.15 The Act does not provide the same provision for an identified cat. There is no legislated protection to seize and detain an identified cat, however there is no way of knowing if a cat is identified until it is trapped and checked.
- 2.16 If a cat is 'identified' it must be released. Therefore the cat could continue to be a nuisance. It also means that the legislation does not provide councils with an ability to detain, scan and return an 'identified' (microchipped and owned) cat to the owner if lost.
- 2.17 The proposed amendments seek to remove barriers of seizing cats and have been drafted to align the provisions for cats to those existing for dogs. Where possible amendments to this provision propose to:
- 2.17.1 Provide clarity on how seized and detained cats must be managed.
- 2.17.2 Allow all cats to be seized and detained, not just unidentified cats, in specific scenarios.
- 2.17.3 Restrict the ability to seize and detain to an authorised person, persons performing functions, or a person with the permission of an authorised person.
- 2.17.4 Ensure seizing and detaining of cats is undertaken pursuant to the conditions determined by councils.
- 2.18 The proposed amendments will provide Council authorised officers with clearer powers to seize and detain cats, but there are limitations on those councils without a cat By-Law.
- 2.19 These limitations will prevent the ability for services to be reinstated to our community for nuisance cats. The amendments include.
- 2.19.1 *64—Power to seize and detain cats*
- (1) *An authorised person may seize and detain a cat—*
- (a) *to prevent or stop the contravention of a by-law of the relevant council; or*
- (b) *if the authorised person reasonably suspects that the cat is lost, unowned or feral; or*
- (c) *if requested to do so by a member of an emergency service; or*
- (d) *in any other circumstances prescribed by the regulations.*
- 2.20 For any trapping to be undertaken under proposed *Section 64(1)(a)*, Council must have a cat By-Law that specifies offences such as wandering at large, breach of confinement, and/or creating specific nuisances.
- 2.21 Without a By-Law, the powers of authorised officers to address cat nuisances and cat hoardings from the keeping or feeding of multiple cats is limited.

- 2.22 The changes in the Bill do not recognise that cats can be the source of a nuisance under other legislation such as the *Local Nuisance and Litter Control Act 2016*, and there is no recognised power to facilitate trapping to prevent nuisances under that Act.
- 2.23 A suggested amendment to enable clearer authority could include:
- 2.23.1 *(1) An authorised person may seize and detain a cat—*
- (a) to prevent or stop the contravention of a by-law of the relevant council; or to prevent a nuisance under other relevant legislation.*
- 2.24 The other amendment allows trapping if an authorised officer suspects that a cat is lost, unowned or feral. However, this creates a level of subjective assessment and could lead to challenge.
- 2.25 It would be clearer and less subjective to allow an officer to trap a cat in any situation where a cat is either creating a nuisance or wandering at large onto public or private land (without permission of land/property owner).
- 2.26 The amendments propose for other persons to trap cats, and provides the power for members of the community to trap a cat on their own property, subject to the approval of Council or authorised person, namely.
- 2.26.1 *S64(2) A person (not being an authorised person) may seize and detain a cat—*
- e) if the cat is found on land owned or occupied by the person and the person is acting in accordance with an approval of the relevant council or an authorised person.*
- 2.27 This new provision places the onus on Council to authorise cat trapping on each occasion and does not allow for other agencies or approved shelters to authorise cat trapping or issue cat traps.
- 2.28 This provides an unnecessary burden on local government and should be expanded to include approved agencies, or all cat trapping being subject to a regulated manner.
- 2.29 As a result, the proposed amendments to Section 64 are not supported by the administration. It is recommended that the following be included in the response.
- 2.29.1 *Section 64(1)(a)* be amended to include a provision that recognises in the *Act* that an authorised officer can trap a cat if the cat is being a nuisance (as defined), and includes:
- wandering at large onto property or land without the owner's permission;
  - breach of confinement (if set by council); and/or
  - creating specific nuisances such as odours, urinating or defecating, noise or property damage.

This will alleviate the need to develop a supplementary By-Law that empowers officers under the proposed *Section 64(1)(a)*. This could be included in regulations but given its importance it should be expressly included in the Act. Expanding the definition in the proposed *Section 64(1)(a)* to include a reference to offences under other legislation, such as the *Local Nuisance and Litter Control Act 2016* would also enable trapping of cats without the need for a cat by-law.

2.29.2 *Section 64(1)(b)* be amended by eliminating the reference to ‘lost, unowned or feral’ and simply allow for a cat to be trapped in any situation where a cat is either creating a nuisance (as defined) on any property or wandering at large onto public or private land (without the permission of land/property owner).

2.29.3 *Section 64(2)(e)* be amended to include approval from other approved agencies or approved shelters to authorise cat trapping and issue cat traps or specify conditions for cat trapping by any person in the regulations to avoid unnecessary red tape and increased workloads for local government.

2.30 If the legislation is amended as presented, it would be recommended that Council consider the implementation of a cat By-Law to address the gaps in the Act relating to cat nuisances and empower staff to trap nuisance cats.

*Section 64AA—Procedure following seizure of cat*

2.31 Under the Act there is a process for managing detained dogs however there is no specific process for managing cats that have been legally seized and detained and no legislated requirement or guidance on how long to detain the cat before it can be rehomed or disposed of.

2.32 This has been creating inconsistency and the Bill seeks to clarify the arrangements for the detention of cats in a similar manner to dogs.

2.33 This approach considers that in many council areas, cat detention facilities will need to be developed over time, balanced with each community’s cat management expectations.

2.34 Amendments to this provision propose to improve the outcomes for seized and detained cats, and introduce a similar arrangement to that established for dogs:

2.34.1 *64AA—Procedure following seizure of cat*

*(1) Without limiting section 64A, if a cat is seized under this Division, it must—*

*(a) be returned to a person who owns or is responsible for the control of the cat; or*

*(b) be detained in a facility approved by the Board for the purpose of detaining cats; or*

*(c) be otherwise dealt with in accordance with the scheme set out in the regulations.*

- 2.35 If a cat cannot be returned then it must be detained in an approved facility and a notice of seizure displayed for the public to find and collect their cat(s), in a similar manner to the current requirement for dogs. The notice must be displayed for 72 hours and like dogs no action can be taken to dispose or destroy the cat until the 72-hour period has passed.
- 2.36 Whilst this approach replicates the same level of service offered for dogs and is welcomed, it is recommended that the current amendment is not supported until such time that the concerns relating to cat holding are addressed by all tiers of government as the proposed amendments will result in significant increase in responsibility, costs and resource challenges for local government.
- 2.37 The major concern and hindrance to delivery of this service are the different requirements for cat handling and holding versus dogs. This is compounded by the absence of dog and cat shelters that can provide services to Council for both the 72-hour hold and final transfer, or relocation of the cat.
- 2.38 As presented in previous report (*Governance and Compliance Committee 17/06/2024, Item No. 3.1.1 Dog and Cat Management (Breeder Reforms) Amendment Bill 2024*), it was noted that there are current restricted service levels being offered by the main two recognised shelters in South Australia, namely the Animal Welfare League and the RSPCA of South Australia.
- 2.39 In the absence of services for dogs and cats, introducing changes to the Act that require cat holding will result in the inability to comply with these requirements. It is important that these legislative changes are supported by significant investment into shelters for holding both cats and dogs and providing relocation services for local government sector as a whole.
- 2.40 It was previously reported that there is opportunity for the Board to invest significantly using the monies collected in the Dog and Cat Management Fund to support the provision of shelter capacity for dogs and cats.
- 2.41 This would assist to deliver guaranteed service levels for local government for the relocation of unidentified, unowned and unclaimed dogs and cats. It would also support councils to have a suitable facility that can provide cat impound services and assist in complying with the proposed legislative requirements.
- 2.42 The other concern is the ability for the local government sector to run and manage their own cat impounds or holding facilities. Apart from the requirement to invest and build facilities for this purpose, there are significant increased work health and safety risks associated with handling cats.
- 2.43 The nature and temperament of cats and their reactions from being trapped, require specialised animal handling techniques to avoid cat bites and scratches that pose a high injury and infection risk to handlers.
- 2.44 Cats entering a facility need to be assessed for diseases and require all holding cages to be independently vented to avoid disease transfers such as cat flu and other air borne infections that affect cats, and the establishment of quarantine areas for new incoming cats.
- 2.45 These specialised needs are best delivered by established and/or expertly run shelters that are well equipped to manage cat intakes. It would be preferred that the services for any required cat holding and impounding be procured through an established or new provider that has capacity to support local government needs.



- 2.46 Individual councils do not have the skills, expertise or capacity to manage cat holding facilities and the introduction of this requirement without full government support, including funding, infrastructure investment and suitably staffed shelters will mean it cannot be achieved.

Section 64A—Destruction or disposal of seized cat

- 2.47 There is currently a difference between how dogs and cats are managed by authorities, despite both needing to be microchipped, desexed and registered on Dogs and Cats Online by their owners. Amendments to this provision propose to provide instructions in determining when to dispose of a seized cat. These processes are based on the current processes for dogs.
- 2.48 Councils may dispose of cats by rehoming, transferring to a shelter or foster care organisation for their care and rehoming. Councils may also utilise humane euthanasia where rehoming is not appropriate or if certain criteria are not met in terms of illness, disease or temperament.
- 2.49 The significant change in this provision relates to the previous proposed amendment, (Section 64AA—*Procedure following seizure of cat*), as the cat may be disposed of if it is not claimed by a person entitled to the return of the cat within 72 hours from when the notice is issued. Consequently, this means that a cat must be held for at least 72 hours, raising the same concerns as mentioned earlier in relation to the provision of shelter services and approved facilities.
- 2.50 It is recommended that this provision is not supported unless the challenge of providing shelter services can be addressed. If the supporting shelter arrangements are able to be implemented however, then the proposed changes would have merit as they replicate the provisions for dogs.

Section 64D—Notification to owner of dog or cat destroyed.

- 2.51 Amendments to this provision propose to update the definition of a prescribed person. This reflects changes proposed for *Section 63*, which are discussed earlier in the report.
- 2.52 The current section provides for a person who destroys, injures, seizes or detains a dog or an identified cat to, as soon as practicable, take reasonable steps to inform the owner of the dog or cat.
- 2.53 The proposed amendments to this section recognise the changes to “prescribed person” definition.
- 2.54 The Administration has reviewed this section and has no comment.

Cat By-Law

- 2.55 As presented in previous report (*Governance and Compliance Committee 17/06/2024, Item No. 3.1.1 Dog and Cat Management (Breeder Reforms) Amendment Bill 2024*), it was noted the previous amendment Bill (*Breeder Reforms*), and now this Bill do not address gaps in cat management, and it is preferable that a Statewide approach is supported.
- 2.56 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.

- 2.57 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.
- 2.58 The By-Law provisions that have received Legislative Review Committee approval and could be replicated in the Act include:
- 2.58.1 Cat registration - with associated registration fees as determined by Council.
  - 2.58.2 Cats not to wander at large – with the ability to apply restrictions at certain times (e.g. after 9pm and before 7am), alternatively if the restriction applies at all times then it would require confinement to a property.
  - 2.58.3 Cats not to be a nuisance - including noise, odours, defecating or urinating on other persons premises or property, or nuisances emanating from the cat owner’s property.
  - 2.58.4 Limit on cat numbers - as determined by councils.
- 2.59 As the above provisions have not been included in this round of legislative review the development of a cat By-Law may be appropriate given feedback on the City of Salisbury’s Dog and Cat Management Plan indicated community support should a state-wide approach not be pursued.
- 2.60 A cat By-Law could include the provisions as listed above and the development of a new cat by-law would need to follow a statutory process that requires:
- 2.60.1 Drafting the by-law, following model By-Laws
  - 2.60.2 Council approving the draft By-Law and seeking community consultation on the content and proposed laws
  - 2.60.3 Considering feedback and then making any amendments as required (noting if significant changes were proposed then additional consultation may be required)
  - 2.60.4 Adopting the By-Law and then following the required statutory processes to formally have the By-Law approved by the Legislative Review Committee.
- 2.61 The development of a Cat By-Law would require approximately \$15,000 for legal fees and to undertake the required public consultation processes.

### 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.
- 3.2 The Act is being revised to update powers and functions for councils to seize and detain cats, implement powers under existing By-Laws, and deal with owned and unowned cats. The proposed amendments further seek to clarify powers and remove barriers for landscape boards, National Parks, and other stakeholders to better manage feral cats.

- 3.3 However, the proposed amendments do not go far enough to manage and respond to community expectation for greater and consistent cat management. The legislative review should include the relevant provisions to allow for cat management under the Act and not rely on cat By-Laws.
- 3.4 In the absence of any State-wide cat reforms, if the proposed amendments in the Bill are passed, Council may consider local controls through the implementation of a cat By-Law.
- 3.5 The attached *Draft Submission on the Dog and Cat Management (Cat Management) Amendment Bill 2024* are recommended as Council's submission on the proposed Bill.
- 3.6 Submissions on the Bill are due by 4 September 2024.



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

<b>Review Item - <i>Application of Act</i></b>	<b>Proposed Legislative Amendments</b>	<b>City of Salisbury Recommended Response to Submission</b>
<p>Current Provision</p> <p>The current Act does not have a similar provision.</p>	<p><b>Section 9A—Application of Act</b></p> <p>Nothing in this Act limits or otherwise affects a program to reduce or eradicate feral dogs or cats conducted under any other Act or law.</p>	<p>The proposed provision is supported.</p>

<b>Review Item - <i>Power to destroy cats</i></b>	<b>Proposed Legislative Amendments</b>	<b>City of Salisbury Recommended Response to Submission</b>
<p>Current provision</p> <p>Section 63 – Power to destroy cats</p> <p>The proposed amendments to section 63 aim to resolve the barriers that create operational issues for managing cats across the State for a range of agencies and locations.</p>	<p><b>Section 63—Power to destroy cats</b></p> <p>The proposed amendments are highlighted in the <b>attachment 1</b> below.</p>	<p>The proposed provision is supported as it relates to the destruction of cats in defined areas and aims to clarify responsibilities for other agencies.</p> <p>However, it is recommended that local government be provided adequate opportunity to be consulted on regulations to be developed to ensure they support cat controls in local council areas such as reserves, local environmental areas of significance and locations that are less than one (1) kilometre from any genuine place of residence to allow for cat control in metropolitan environmental and smaller rural properties and or industrial premises.</p>

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

Review Item - <i>Power to seize and detain cats</i>	Proposed Legislative Amendments	City of Salisbury Recommended Response to Submission
<p>Current provision Section 64 – Power to seize and detain cats</p>	<p><b>Section 64— Power to seize and detain cats</b></p> <p>The proposed amendments are highlighted in the <b>attachment 2</b> below.</p>	<p>The proposed amendments to Section 64 are not supported by the administration and it is recommended that the following suggestions be considered.</p> <p>Section 64(1)(a) be amended to include a provision that recognizes in the Act that an Authorised officer can trap a cat if the cat is being a nuisance (as defined) and includes wandering at large onto property or land without the owner’s permission, breach of confinement (if set by council) and or creating specific nuisances such as odours, urinating or defecating, noise or property damage.</p> <p>This will alleviate the need to develop a supplementary by-law that empowers officers under the proposed Section 64(1)(a). This could be included in regulations but given its importance it should be expressly included in the Act.</p> <p>Expanding the definition in the proposed Section 64(1)(a) to include a reference to offences under other legislation would also enable trapping of cats creating a nuisance under other Acts, such as <i>the Local Nuisance and Litter Control Act 2016</i> without the need for a cat by-law and should be included.</p> <p>Section 64(1)(b) be amended by eliminating the reference to lost, unowned or feral and simply allow for a cat to be trapped in any situation where a cat is either creating a nuisance (as defined) on any property or wandering at large onto public or private land (without the permission of land/property owner).</p> <p>Section 64(2)(e) be amended to include approval from other approved agencies or approved shelters to authorise cat trapping and issue cat traps or specify conditions for cat trapping by any person in the regulations to avoid unnecessary red tape and increased workloads for local government.</p>

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

Review Item – Procedure following seizure of cat	Proposed Legislative Amendments	City of Salisbury Recommended Response to Submission
<p>Current Dog and Cat Management Act 1995</p> <p>Not in the current legislation</p>	<p>Section 64AA—Procedure following seizure of cat</p> <p>The proposed amendments are highlighted in the <b>attachment 3</b> below.</p>	<p>The current amendment is not supported until such time that the concerns relating to cat holding and accessible shelters are addressed by all tiers of government.</p> <p>Whilst the amendment proposes to replicate the same level of service offered for dog impounding, the absence of adequate facilities to impound and detain cats, will result in significant increase in responsibility, costs and resource challenges for local government.</p> <p>The major concern and hindrance to delivery of this service are the different requirements for cat handling and holding versus dogs and the absence of dog and cat shelters that can provide services to Council for both the 72-hour hold and final transfer or relocation of the cat.</p> <p>Introducing changes to the Act that require cat holding without significant investment into shelters for holding both cats and dogs and providing relocation services for Local Government as a whole will result in the inability to comply with these requirements.</p> <p>It is recommended that the Dog and Cat Management Board invest significantly using the monies collected in the Dog and Cat Management Fund to support the provision of shelter capacity for dogs and cats with the support from all tiers of government</p> <p>Adequate shelter capacity is required to deliver guaranteed service levels for local government for the relocation of unidentified, unowned and unclaimed dogs and cats. This would allow councils to have a suitable facility that can provide cat impound services and assist in complying with the proposed legislative requirements.</p> <p>Another major concern for local government is the increased work health and safety risk from cats and unique welfare needs to prevent and reduce the spread of diseases and as such cat impound and holding facility</p>

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

Review Item – <i>Procedure following seizure of cat</i>	Proposed Legislative Amendments	City of Salisbury Recommended Response to Submission
		<p>require specialized animal handling techniques that are needed to avoid cat bites and scratches that pose a high injury and infection risk to handlers.</p> <p>Cat facilities require all holding cages to be independently vented to avoid disease transfers such as cat flue and other air borne infections that affect cats, or the establishment of quarantine areas for new incoming cats.</p> <p>These specialized needs are best deliverer by established and or expertly run shelters that are well equipped to manage cat intakes. It would be preferred that the services for any required cat holding and impounding be procured through an established or new provider that has capacity to support local government needs.</p> <p>Individual councils do not have the skills, expertise or capacity to manage cat holding facilities and the introduction of this requirement without full government support, including funding, infrastructure investment and suitably staffed shelters will mean it cannot be achieved.</p>

Item 3.1.2 - Attachment 1 - Draft Submission on the Dog and Cat Management (Cat Management) Amendment Bill 2024



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

Review Item – <i>Destruction or disposal of seized cat</i>	Proposed Legislative Amendments	City of Salisbury Recommended Response to Submission
<p>Current Dog and Cat Management Act 1995</p> <p>Section 64A—Destruction or disposal of seized cat</p> <p>64A—Destruction or disposal of seized cat                      (1) If a cat is seized and detained under this Division, the person responsible for the cat while so detained (other than a person referred to in section 64(2)) may cause the cat to be destroyed or otherwise disposed of.</p> <p>(2) If a cat is disposed of under subsection (1) by sale, the proceeds of the sale are the property of the operator of the facility at which the cat had been detained</p>	<p>The proposed amendments are highlighted below;</p> <p>64A—Destruction or disposal of seized cat</p> <p><b><i>(1) A person who is responsible for a cat that is seized and detained under this Division (other than a person who seized or detained a cat under section 64(2)(e)) may cause the cat to be destroyed or otherwise disposed of—</i></b></p> <p><b><i>(a) if the cat is suffering from injury, disease or sickness to the extent that it is impracticable to maintain the cat; or</i></b></p> <p><b><i>(b) if the cat is suffering from a contagious or infectious disease or sickness; or</i></b></p> <p><b><i>(c) if the cat is not claimed by a person entitled to the return of the cat within 72 hours from when notice of its detention was last given under this Division; or</i></b></p> <p><b><i>(d) if a person in whose name the cat is registered declines to take possession of the cat; or</i></b></p> <p><b><i>(e) if money due in relation to the detention of the cat is not paid within 7 days after a request for payment; or</i></b></p>	<p>The significant change in this provision relates to the previous proposed amendment, (<i>Section 64AA—Procedure following seizure of cat</i>), as the cat may be disposed if not claimed or if meeting a range of criteria as per the amendment but in particular by a person entitled to the return of the cat within 72 hours from when notice of detention was issued.</p> <p>That means that a cat must be held for at least 72 hours, and this raises the same concerns as mentioned in previous section relating to the provision of shelter services and approved facilities.</p> <p>It is recommended that this provision is not supported unless the challenge of shelter services can be addressed. If this can be agreed to then the proposed changes have merit as they replicate the provisions as they relate to dogs.</p>

Item 3.1.2 - Attachment 1 - Draft Submission on the Dog and Cat Management (Cat Management) Amendment Bill 2024

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

Review Item – <i>Destruction or disposal of seized cat</i>	Proposed Legislative Amendments	City of Salisbury Recommended Response to Submission
	<p><i>(f) if the cat is an unidentified cat, or is unowned or feral; or</i></p> <p><i>(g) in any other circumstances prescribed by the regulations.</i></p> <p>(2) If a cat is disposed of under subsection (1) by sale, the proceeds of the sale are the property of the operator of the facility at which the cat had been detained.</p>	

Item 3.1.2 - Attachment 1 - Draft Submission on the Dog and Cat Management (Cat Management) Amendment Bill 2024

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

Review Item – <i>Notification to owner of dog or cat destroyed etc under Part</i>	Proposed Legislative Amendments	City of Salisbury Recommended Response to Submission
<p>Current provision</p> <p>Section 64D—Notification to owner of dog or cat destroyed etc under Part</p> <p>Amendments to this provision propose to update the definition of prescribed person. This reflects changes proposed for section 63, which are discussed earlier in this section.</p>	<p>The proposed amendments are highlighted below;</p> <p>64D—Notification to owner of dog or cat destroyed etc under Part</p> <p>(3) In this section—  <b>prescribed person</b> means—                      (a) an authorised person; or                      (b) a person referred to in the following provisions:                          (i) section 59D(c);                          (ii) section 63(1)(a) or (d) to (g) (inclusive);                          (iii) section 64(2)(a) to (e) (inclusive); or                      (c) any other person prescribed by the regulations.</p>	<p>No comment on this proposed change</p>

Item 3.1.2 - Attachment 1 - Draft Submission on the Dog and Cat Management (Cat Management) Amendment Bill 2024

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

**Attachment 1 Section 63—Power to destroy cats**

<b>Current Dog and Cat Management Act 1995</b>	<b>Proposed change</b>
<p><b>63—Power to destroy cats</b></p> <p>(1) A person may lawfully destroy or injure a cat in the following circumstances:</p> <p>(a) if the person is a <b>warden</b> under the National Parks and Wildlife Act 1972 or the Wilderness Protection Act 1992 and the cat is in a reserve or sanctuary (within the meaning of the National Parks and Wildlife Act 1972) or a wilderness protection area or zone (within the meaning of the Wilderness Protection Act 1992);</p> <p>(b) if the person is the owner or occupier of a designated area, or a person authorised for the purpose by the owner or occupier of a designated area and the cat is found in the designated area;</p> <p>(c) if the cat is found in a place that is more than 1 kilometre from any place genuinely used as a place of residence;</p> <p><b>(d) if the cat is unidentified and—</b></p> <p>(i) the person is an authorised officer under the Crown Land Management Act 2009 and the cat is found in an area in respect of which the authorised officer is authorised to exercise powers under that Act; or</p> <p>(ii) the person is an authorised officer under the Landscape South Australia Act 2019 and the cat is found while the person is acting in the ordinary course of the person’s duties under that Act; or</p> <p><b>(iii) the person is an inspector under the Animal Welfare Act 1985 and the cat is found while the person is acting in the ordinary course of his or her duties under that Act; or</b></p> <p>(iv) the person is a <b>registered veterinary surgeon</b> acting in the ordinary course of his or her profession; or</p> <p>(v) the person is acting for or on behalf of 1 of the following bodies or persons in respect of a cat that has been delivered to a facility operated by the person or body:</p> <p>(A) the Royal Society for the Prevention of Cruelty to Animals (South Australia) Incorporated;</p> <p>(B) the Animal Welfare League of South Australia, Incorporated;</p> <p>(C) a body or person specified by the regulations.</p> <p>(2) Without limiting subsection (1), an authorised person may lawfully destroy or injure a cat in <b>any of the circumstances specified in that subsection.</b></p> <p>(3) Nothing in this section limits the operation of section 34B of the Animal Welfare Act 1985.</p> <p>(4) The Governor may, by proclamation made on the recommendation of the Board, declare land to be a designated area for the purposes of this section.</p> <p>(5) A proclamation under this section may be varied or revoked by further proclamation</p>	<p><b>63—Power to destroy cats</b></p> <p>(1) A person may lawfully destroy or injure a cat in the following circumstances:</p> <p>(a) if the person is <b>performing functions</b> under the <i>National Parks and Wildlife Act 1972</i> or the <i>Wilderness Protection Act 1992</i> and the cat is in a reserve or sanctuary (within the meaning of the <i>National Parks and Wildlife Act 1972</i>) or a wilderness protection area or zone (within the meaning of the <i>Wilderness Protection Act 1992</i>);</p> <p>(b) if the person is the owner or occupier of a designated area, or a person authorised for the purpose by the owner or occupier of a designated area and the cat is found in the designated area;</p> <p>(c) if the cat is found in a place that is <b>more than the prescribed distance from any genuine place of residence (not including a place owned or occupied by the person)</b></p> <p><b>(d) if the person is performing functions</b> under the <i>Crown Land Management Act 2009</i> and the cat is found in an area in respect of which the person is authorised to exercise powers under that Act;</p> <p><b>(e) if the person is performing functions</b> under the <i>Landscape South Australia Act 2019</i> and the cat is found while the person is performing those functions;</p> <p><b>(f) if the person is a veterinarian</b> acting in the ordinary course of their profession;</p> <p><b>(g) if the person is acting for or on behalf of 1 of the following bodies or persons in respect of a cat that has been delivered to a facility operated by the person or body:</b></p> <p style="padding-left: 20px;">(i) the Royal Society for the Prevention of Cruelty to Animals (South Australia) Incorporated;</p> <p style="padding-left: 20px;">(ii) the Animal Welfare League of South Australia, Incorporated;</p> <p style="padding-left: 20px;">(iii) a body or person specified by the regulations;</p> <p><b>(h) in any other circumstances prescribed by the regulations.</b></p> <p><b>(1a) Without limiting subsection (1), a person referred to in that subsection may, in accordance with any requirements set out in the regulations, lawfully destroy a cat that has been lawfully trapped in accordance with this or any other Act or law (and sections 64, 64AA and 64A will be taken not to apply in relation to the cat).</b></p> <p><b>Note— Those sections would, for example, otherwise require the trapped cat to be delivered to a facility for detention.</b></p> <p>(2) Without limiting subsection (1), an authorised person may lawfully destroy or injure a cat in <b>the circumstances prescribed by the regulations</b></p> <p>(3) Nothing in this section limits the operation of section 34B of the <i>Animal Welfare Act 1985</i>.</p> <p>(4) The Governor may, by proclamation made on the recommendation of the Board, declare land to be a designated area for the purposes of this section.</p> <p>(5) A proclamation under this section may be varied or revoked by further proclamation made on the recommendation of the Board.</p> <p><b>(6) In this section—</b></p> <p><b>prescribed distance, from a place of residence, means—</b></p> <p><b>(a) if the regulations prescribe a distance for the purposes of this paragraph—that distance; or</b></p> <p><b>(b) if the regulations do not prescribe a distance for the purposes of this paragraph—1 kilometre.</b></p>

**Item 3.1.2 - Attachment 1 - Draft Submission on the Dog and Cat Management (Cat Management) Amendment Bill 2024**

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

Attachment 2 - 64—Power to seize and detain cats

<i>Current Dog and Cat Management Act 1995</i>	<i>Proposed change</i>
<p>64—Power to seize and detain cats</p> <p>(1) A person may seize and detain a cat in any of the following circumstances:</p> <p>(a) the circumstances set out in section 63(1);</p> <p>(b) any other circumstances set out in the regulations.</p> <p>(2) A person may seize and detain an unidentified cat for the purpose of delivering it within 12 hours to—</p> <p>(a) a registered veterinary surgeon; or</p> <p>(b) a facility for the care of cats operated by—</p> <p>(i) the Royal Society for the Prevention of Cruelty to Animals (South Australia) Incorporated; or</p> <p>(ii) the Animal Welfare League of South Australia, Incorporated; or</p> <p>(iii) a body or person specified by the regulations; or</p> <p>(c) a facility nominated by a council and approved by the Board at which cats may be detained, however nothing in this subsection authorises the person to destroy the cat.</p>	<p>64—Power to seize and detain cats</p> <p>(1) An authorised person may seize and detain a cat—</p> <p>(a) to prevent or stop the contravention of a by-law of the relevant council; or</p> <p>(b) if the authorised person reasonably suspects that the cat is lost, unowned or feral; or</p> <p>(c) if requested to do so by a member of an emergency service; or</p> <p>(d) in any other circumstances prescribed by the regulations.</p> <p>(2) A person (not being an authorised person) may seize and detain a cat—</p> <p>(a) if the person is performing functions under the Crown Land Management Act 2009 and the cat is found in an area in respect of which the person is authorised to exercise powers under that Act;</p> <p>(b) if the person is performing functions under the Landscape South Australia Act 2019 and the cat is found while the person is performing those functions;</p> <p>(c) if the person is performing functions under the Animal Welfare Act 1985 and the cat is found while the person is performing those functions;</p> <p>(d) if the person is a veterinarian acting in the ordinary course of their profession;</p> <p>(e) if the cat is found on land owned or occupied by the person and the person is acting in accordance with an approval of the relevant council or an authorised person;</p> <p>or</p> <p>(f) in any other circumstances prescribed by the regulations.</p> <p>(3) An approval under subsection (2)(e)—</p> <p>(a) may be conditional or unconditional; and</p> <p>(b) must comply with any requirements set out in the regulations.</p> <p>(4) A person who seizes and detains a cat under subsection (2)(a), (b), (c), (d) or (f) must deal with the cat in accordance with the regulations</p> <p>(5) A person who seizes and detains a cat under subsection (2)(e) must—</p> <p>(a) if conditions setting out how a cat is to be dealt with following seizure and detention are imposed on the relevant approval—deal with the cat in accordance with those conditions; or</p> <p>(b) within 12 hours deliver the cat to a facility nominated by the council in whose area the cat was seized (being a facility that agrees to being nominated for the purposes of this subsection and that is approved by the Board for the detention of cats); or</p> <p>(c) if paragraph (a) does not apply in the circumstances and it is not reasonably practicable to deliver the cat in accordance with paragraph (b)—deal with the cat in accordance with the regulations.</p> <p>(6) A person who, without reasonable excuse, contravenes subsection (4) or (5) is guilty of an offence.</p> <p>Maximum penalty: \$5000.</p> <p>Expiation fee: \$315.</p> <p>(7) Nothing in this section authorises a person who has seized and detained a cat to destroy the cat.</p>

Item 3.1.2 - Attachment 1 - Draft Submission on the Dog and Cat Management (Cat Management) Amendment Bill 2024

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

**Attachment 3 Procedure following seizure of cat**

<p><b>Current Dog and Cat Management Act 1995</b> Not in the current legislation.</p>	<p><b>Proposed change</b></p> <p><b>64AA—Procedure following seizure of cat</b></p> <p>(1) Without limiting section 64A, if a cat is seized under this Division, it must—</p> <p>(a) be returned to a person who owns or is responsible for the control of the cat; or</p> <p>(b) be detained in a facility approved by the Board for the purpose of detaining cats; or</p> <p>(c) be otherwise dealt with in accordance with the scheme set out in the regulations.</p> <p>(2) If a cat is detained, the person causing it to be detained must—</p> <p>(a) cause the cat to be scanned to determine whether it is microchipped; and</p> <p>(b) either—</p> <p>(i) cause a notice to be displayed at the office of the council for the area in which the cat was seized (or if the cat was seized outside municipal and district council areas, at the police station nearest to where the cat was seized) containing—</p> <p>(A) a general description of the cat; and</p> <p>(B) the day and time it was seized; and</p> <p>(C) contact details of a person or body to whom further enquiries can be made;</p> <p>or</p> <p>(ii) cause such a notice to be published on the official website of the council for the area in which the cat was seized (or if the cat was seized outside municipal and district council areas, on the official website of SA Police).</p> <p>(c) if a person who owns or is responsible for the control of the cat is known to the person or is readily ascertainable—</p> <p>cause notice of the detention to be given, as soon as practicable, to the owner or other person in the manner and form required by the Board.</p> <p>(3) A notice under subsection (2)(b) must remain displayed for at least 72 hours.</p> <p>(4) Nothing in this section prevents a person from taking a seized or detained cat that is sick, injured or distressed to a veterinarian for assessment and treatment.</p>
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Item 3.1.2 - Attachment 1 - Draft Submission on the Dog and Cat Management (Cat Management) Amendment Bill 2024

**Draft for comment**

South Australia

**Dog and Cat Management (Cat Management)  
Amendment Bill 2024**

A BILL FOR

An Act to amend the *Dog and Cat Management Act 1995*.

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**Contents**

**Part 1—Preliminary**

- 1 Short title
- 2 Commencement

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

- 3 Insertion of section 9A
  - 9A Application of Act
- 4 Amendment of section 63—Power to destroy cats
- 5 Amendment of section 64—Power to seize and detain cats
  - 64 Power to seize and detain cats
- 6 Insertion of section 64AA
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- 7 Substitution of section 64A
  - 64A Destruction or disposal of seized cat
- 8 Amendment of section 64D—Notification to owner of dog or cat destroyed etc under Part

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**The Parliament of South Australia enacts as follows:**

**Part 1—Preliminary**

**1—Short title**

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

**2—Commencement**

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

Draft

**Dog and Cat Management (Cat Management) Amendment Bill 2024**  
Part 2—Amendment of *Dog and Cat Management Act 1995***Part 2—Amendment of *Dog and Cat Management Act 1995*****3—Insertion of section 9A**

After section 9 insert:

**9A—Application of Act**

5                                        Nothing in this Act limits or otherwise affects a program to reduce or eradicate feral dogs or cats conducted under any other Act or law.

**4—Amendment of section 63—Power to destroy cats**

- (1) Section 63(1)(a)—delete "a warden" and substitute:  
performing functions
- 10        (2) Section 63(1)(c)—delete "1 kilometre from any place genuinely used as a place of residence" and substitute:  
the prescribed distance from any genuine place of residence (not including a place owned or occupied by the person)
- (3) Section 63(1)(d)—delete paragraph (d) and substitute:
- 15                                        (d) if the person is performing functions under the *Crown Land Management Act 2009* and the cat is found in an area in respect of which the person is authorised to exercise powers under that Act;
- (e) if the person is performing functions under the *Landscape South Australia Act 2019* and the cat is found while the person is performing those functions;
- 20                                        (f) if the person is a veterinarian acting in the ordinary course of their profession;
- (g) if the person is acting for or on behalf of 1 of the following bodies or persons in respect of a cat that has been delivered to a facility operated by the person or body:
- 25                                        (i) the Royal Society for the Prevention of Cruelty to Animals (South Australia) Incorporated;
- (ii) the Animal Welfare League of South Australia, Incorporated;
- 30                                        (iii) a body or person specified by the regulations;
- (h) in any other circumstances prescribed by the regulations.



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

(4) Section 63—after subsection (1) insert:

- (1a) Without limiting subsection (1), a person referred to in that subsection may, in accordance with any requirements set out in the regulations, lawfully destroy a cat that has been lawfully trapped in accordance with this or any other Act or law (and sections 64, 64AA and 64A will be taken not to apply in relation to the cat).

**Note—**

Those sections would, for example, otherwise require the trapped cat to be delivered to a facility for detention.

(5) Section 63(2)—delete "any of the circumstances specified in that subsection" and substitute:

the circumstances prescribed by the regulations

(6) Section 63—after subsection (5) insert:

(6) In this section—

*prescribed distance*, from a place of residence, means—

- (a) if the regulations prescribe a distance for the purposes of this paragraph—that distance; or  
(b) if the regulations do not prescribe a distance for the purposes of this paragraph—1 kilometre.

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

Section 64—delete section 64 and substitute:

**64—Power to seize and detain cats**

(1) An authorised person may seize and detain a cat—

- (a) to prevent or stop the contravention of a by-law of the relevant council; or  
(b) if the authorised person reasonably suspects that the cat is lost, unowned or feral; or  
(c) if requested to do so by a member of an emergency service; or  
(d) in any other circumstances prescribed by the regulations.

(2) A person (not being an authorised person) may seize and detain a cat—

- (a) if the person is performing functions under the *Crown Land Management Act 2009* and the cat is found in an area in respect of which the person is authorised to exercise powers under that Act;  
(b) if the person is performing functions under the *Landscape South Australia Act 2019* and the cat is found while the person is performing those functions;

Draft

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

- 5
- (c) if the person is performing functions under the *Animal Welfare Act 1985* and the cat is found while the person is performing those functions;
- (d) if the person is a veterinarian acting in the ordinary course of their profession;
- (e) if the cat is found on land owned or occupied by the person and the person is acting in accordance with an approval of the relevant council or an authorised person; or
- (f) in any other circumstances prescribed by the regulations.
- 10 (3) An approval under subsection (2)(e)—
- (a) may be conditional or unconditional; and
- (b) must comply with any requirements set out in the regulations.
- 15 (4) A person who seizes and detains a cat under subsection (2)(a), (b), (c), (d) or (f) must deal with the cat in accordance with the regulations.
- (5) A person who seizes and detains a cat under subsection (2)(e) must—
- 20 (a) if conditions setting out how a cat is to be dealt with following seizure and detention are imposed on the relevant approval—deal with the cat in accordance with those conditions; or
- (b) within 12 hours deliver the cat to a facility nominated by the council in whose area the cat was seized (being a facility that agrees to being nominated for the purposes of this subsection and that is approved by the Board for the detention of cats); or
- 25 (c) if paragraph (a) does not apply in the circumstances and it is not reasonably practicable to deliver the cat in accordance with paragraph (b)—deal with the cat in accordance with the regulations.
- 30 (6) A person who, without reasonable excuse, contravenes subsection (4) or (5) is guilty of an offence.  
 Maximum penalty: \$5000.  
 Expiation fee: \$315.
- 35 (7) Nothing in this section authorises a person who has seized and detained a cat to destroy the cat.

**Draft****Dog and Cat Management (Cat Management) Amendment Bill 2024**  
Amendment of *Dog and Cat Management Act 1995*—Part 2**6—Insertion of section 64AA**

After section 64 insert:

**64AA—Procedure following seizure of cat**

- 5 (1) Without limiting section 64A, if a cat is seized under this Division, it must—
- (a) be returned to a person who owns or is responsible for the control of the cat; or
- (b) be detained in a facility approved by the Board for the purpose of detaining cats; or
- 10 (c) be otherwise dealt with in accordance with the scheme set out in the regulations.
- (2) If a cat is detained, the person causing it to be detained must—
- (a) cause the cat to be scanned to determine whether it is microchipped; and
- 15 (b) either—
- (i) cause a notice to be displayed at the office of the council for the area in which the cat was seized (or if the cat was seized outside municipal and district council areas, at the police station nearest to where the cat was seized) containing—
- 20 (A) a general description of the cat; 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
- 25 (ii) cause such a notice to be published on the official website of the council for the area in which the cat was seized (or if the cat was seized outside municipal and district council areas, on the official website of SA Police).
- 30 (c) if a person who owns or is responsible for the control of the cat is known to the person or is readily ascertainable—cause notice of the detention to be given, as soon as practicable, to the owner or other person in the manner and form required by the Board.
- 35 (3) A notice under subsection (2)(b) must remain displayed for at least 72 hours.
- (4) Nothing in this section prevents a person from taking a seized or detained cat that is sick, injured or distressed to a veterinarian for assessment and treatment.

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

**7—Substitution of section 64A**

Section 64A—delete section 64A and substitute:

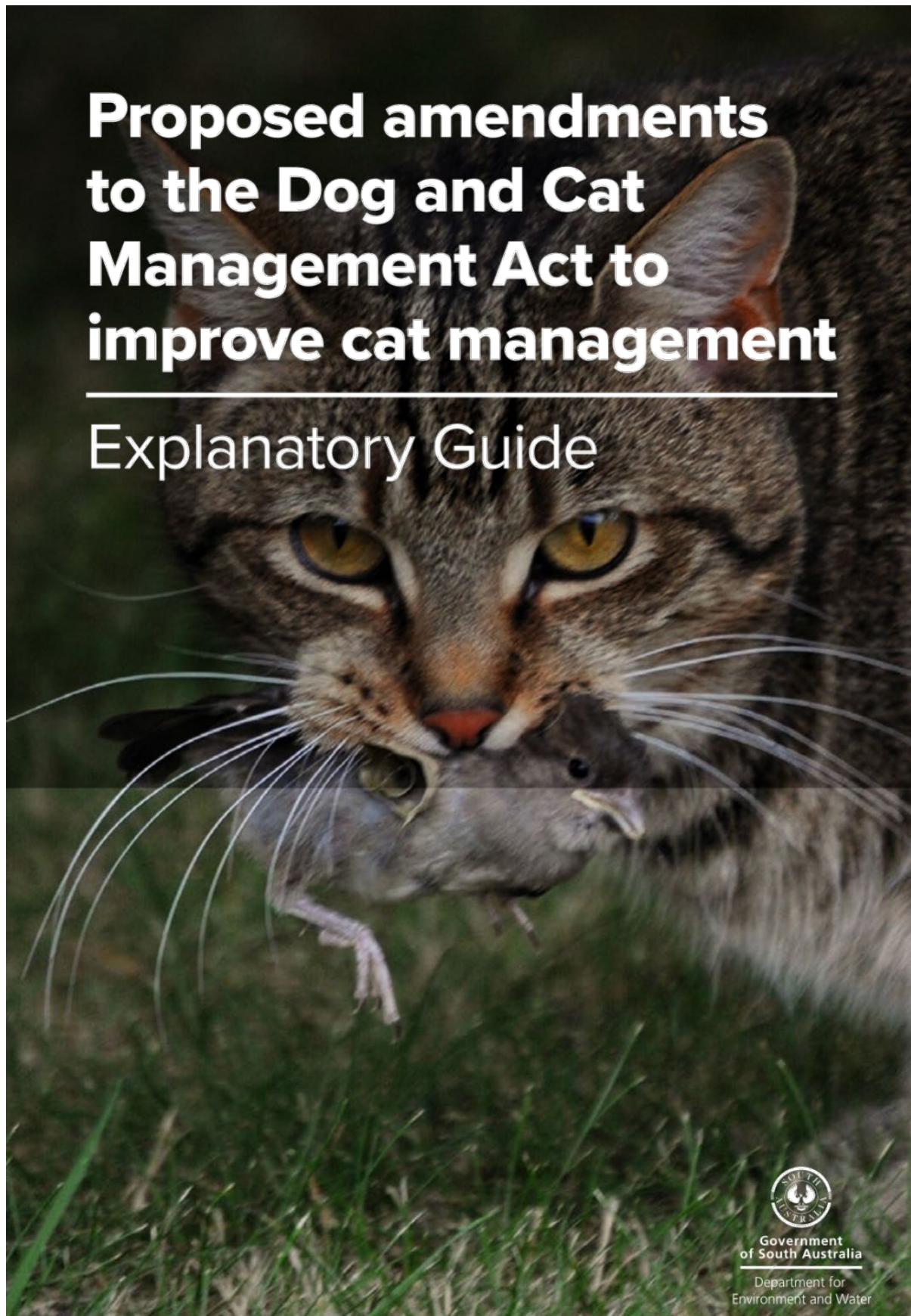
**64A—Destruction or disposal of seized cat**

- 5 (1) A person who is responsible for a cat that is seized and detained under this Division (other than a person who seized or detained a cat under section 64(2)(e)) may cause the cat to be destroyed or otherwise disposed of—
- 10 (a) if the cat is suffering from injury, disease or sickness to the extent that it is impracticable to maintain the cat; or
- (b) if the cat is suffering from a contagious or infectious disease or sickness; or
- 15 (c) if the cat is not claimed by a person entitled to the return of the cat within 72 hours from when notice of its detention was last given under this Division; or
- (d) if a person in whose name the cat is registered declines to take possession of the cat; or
- (e) if money due in relation to the detention of the cat is not paid within 7 days after a request for payment; or
- 20 (f) if the cat is an unidentified cat, or is unowned or feral; or
- (g) in any other circumstances prescribed by the regulations.
- (2) If a cat is disposed of under subsection (1) by sale, the proceeds of the sale are the property of the operator of the facility at which the cat had been detained.

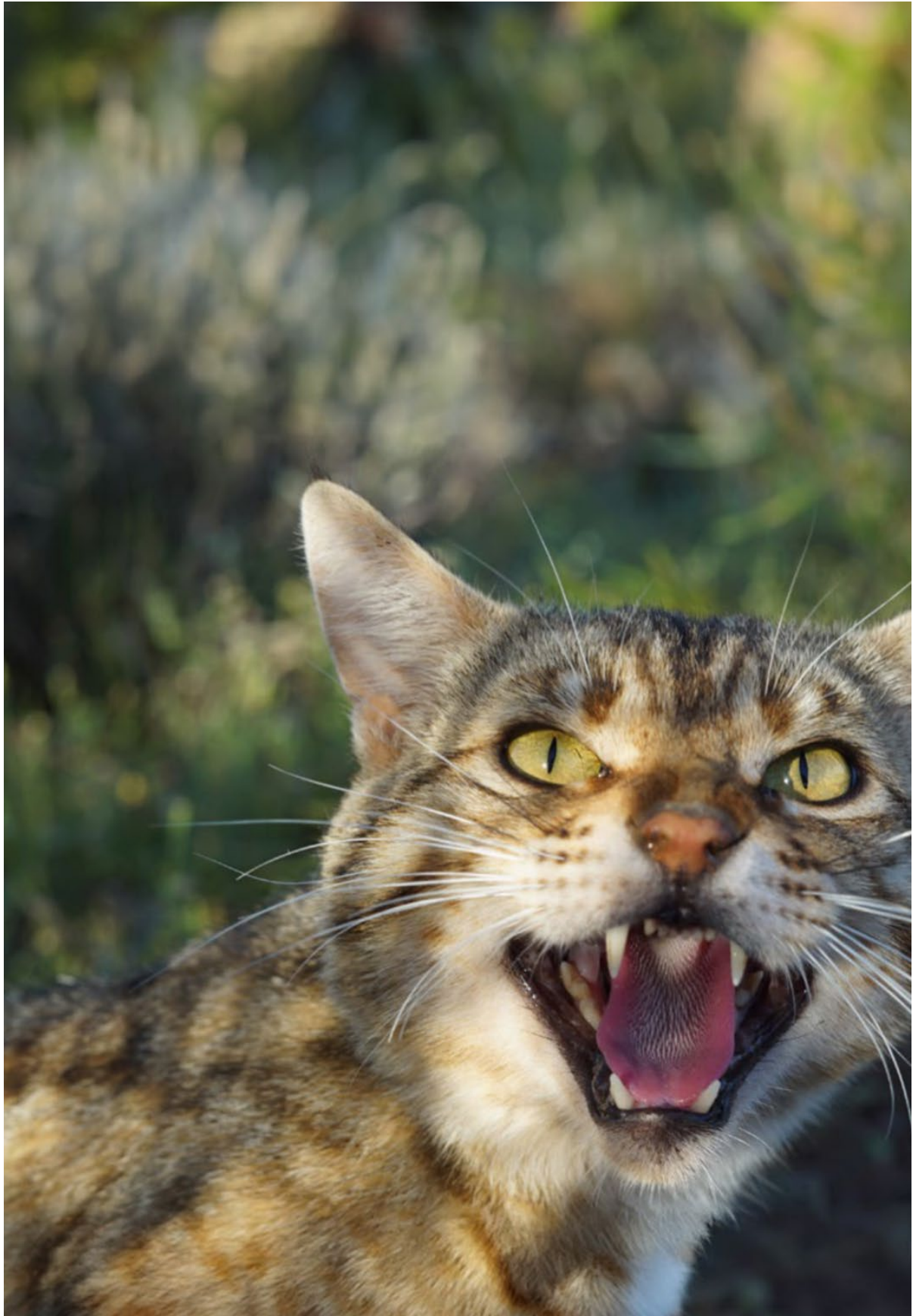
**8—Amendment of section 64D—Notification to owner of dog or cat destroyed etc under Part**

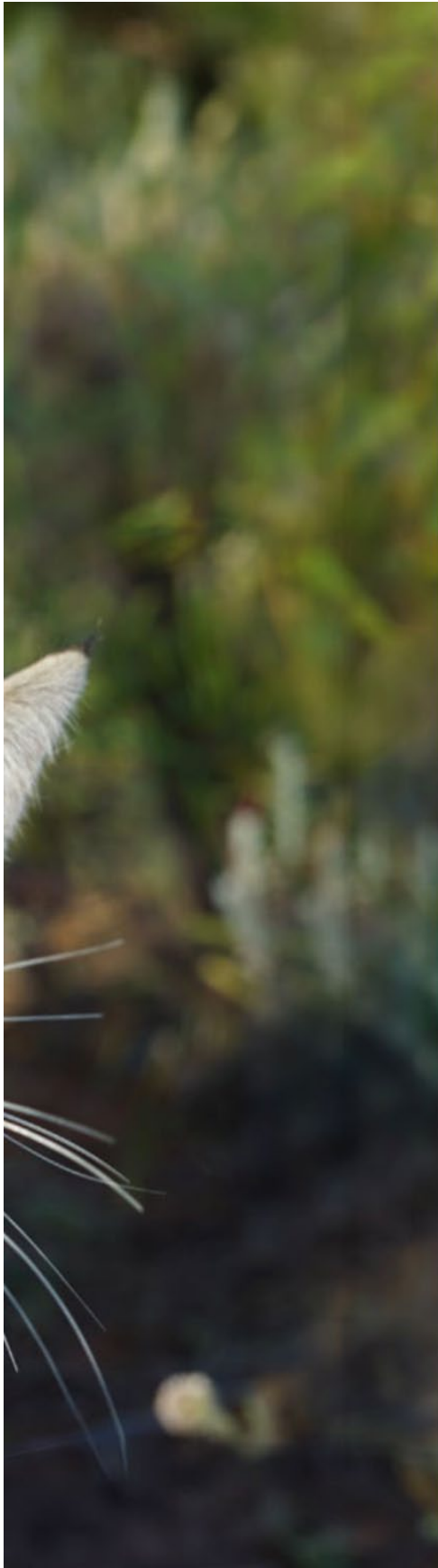
25 Section 64D(3), definition of *prescribed person*, paragraphs (b) to (h)—delete paragraphs (b) to (h) (inclusive) and substitute:

- (b) a person referred to in the following provisions:
- 30 (i) section 59D(c);
- (ii) section 63(1)(a) or (d) to (g) (inclusive);
- (iii) section 64(2)(a) to (d) (inclusive); or
- (c) any other person prescribed by the regulations.



Item 3.1.2 - Attachment 3 - Proposed amendments to the Dog and Cat Management Act to improve cat management - Explanatory Guide





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# Introduction

The Department for Environment and Water is inviting South Australians to have their say on proposed changes to cat management laws in our state.

## The Dog and Cat Management 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 and includes powers for local government and some stakeholders with a role in dog and cat management.

## The draft bill

A bill is a formal proposal for creating new laws or changing existing laws. The draft bill, available on YourSAy, includes the specific changes proposed for the *Dog and Cat Management Act 1995*.

This guide explains the rationale and intent of the proposed changes.

## What are the next steps?

Once the Bill is finalised, the government will provide approval to table the bill in Parliament. The bill will then be debated in Parliament. If it is passed by both houses, it will be assented to by the Governor, and it will become an Act (law).

## What else do I need to know?

Consultation was recently undertaken on proposals to introduce breeder licencing and increase dog attack penalties in the Dog and Cat Management Act and on a proposed new Animal Welfare Bill. Further information is available at [www.yoursay.sa.gov.au](http://www.yoursay.sa.gov.au)

## Have YourSAy

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

You are encouraged to respond to the online questionnaire on the YourSAy page. The questionnaire asks about your support for each amendment, and includes space for optional comments to be added.

Details on how to provide feedback are on YourSAy at [YourSAy.sa.gov.au](http://YourSAy.sa.gov.au)



# Managing cats in South Australia

Cats can have a significant impact on wildlife and biodiversity. Cats continue to drive population decline in Australian native animal species. Predation by cats is a recognised threat to over 200 nationally threatened species, and 37 listed migratory species. Cats in Australia kill over 1.5 billion native mammals, birds, reptiles and frogs, and 1.1 billion invertebrates each year.<sup>1</sup>

South Australian cat owners are required to microchip and desex their cats. These responsible pet ownership foundations help lost cats be returned to their owners and reduce unwanted litters. Many owners have also chosen to contain their cats to their property to reduce the impact on wildlife and nuisance behaviours for neighbours, and also to keep them safe.

However, the population of cats that aren't desexed and who continue to produce litters of kittens are having an adverse impact on our primary producers, State National Parks and reserves.

Shelters and rescue organisations frequently report they are operating at capacity, requiring them to turn away requests to take cats and kittens.

In South Australia the *Dog and Cat Management Act 1995* provides the framework for the management of all cats across other relevant and associated legislation including the *Landscape SA Act 2019*, *National Parks and Wildlife Act 1972*, *Wilderness Protection Act 1992*, and *Crown Land Management Act 2009*.

This currently includes:

- Provisions under the *Animal Welfare Act 1985* ensuring appropriate treatment of animals.
- Provisions under the *Dog and Cat Management Act 1995* primarily focused on the management of owned dogs and cats.
- Provisions under the *Landscape SA Act 2019* relating to declared pests and pest management, guiding landscape staff, landholders and individuals.
- Provisions under the *National Parks and Wildlife Act 1975* for the management of National Parks.
- RSPCA, AWL, veterinary sector and other community organisations providing shelter, treatment and rehoming services.

## Cats and wildlife

Predation by feral cats is listed as a key threat under the national *Environment Protection and Biodiversity Conservation Act 1999* giving rise to the development of a threat abatement plan to address these risks at a national level.

In 2020, an Australian Parliamentary Inquiry into the problem of feral and domestic cats in Australia considered an overwhelming body of scientific evidence outlining the significant impact of cats on native species, and recognising the role of cats in causing species to become threatened, endangered and even extinct.

### Learn more

Draft updated threat abatement plan for predation by feral cats

<https://consult.dceew.gov.au/draft-updated-threat-abatement-plan-for-predation-by-feral-cats>

Tackling the feral cat pandemic: a plan to save Australian wildlife, Australian Parliament, 2020

[https://www.aph.gov.au/Parliamentary\\_Business/Committees/House/Former\\_Committees/Environment\\_and\\_Energy/Feralanddomesticcats/Report](https://www.aph.gov.au/Parliamentary_Business/Committees/House/Former_Committees/Environment_and_Energy/Feralanddomesticcats/Report)

## Returning cats to owners

We know there are many important social and health benefits for those who choose to share their homes with one or more pets. Cats are a popular pet choice, make wonderful companions and are much loved by their owners.

Responsible cat owners have their cat desexed and microchipped with up to date contact information, and care for its wellbeing. These owners seek laws to ensure their beloved pet can be returned to them safely should they become lost, in a similar way that the Act provides for dogs.

<sup>1</sup> DCCCEW 2023, *Threat abatement plan for predation by feral cats*, Department of Climate Change, Energy, the Environment and Water, Canberra.

## Updating cat management

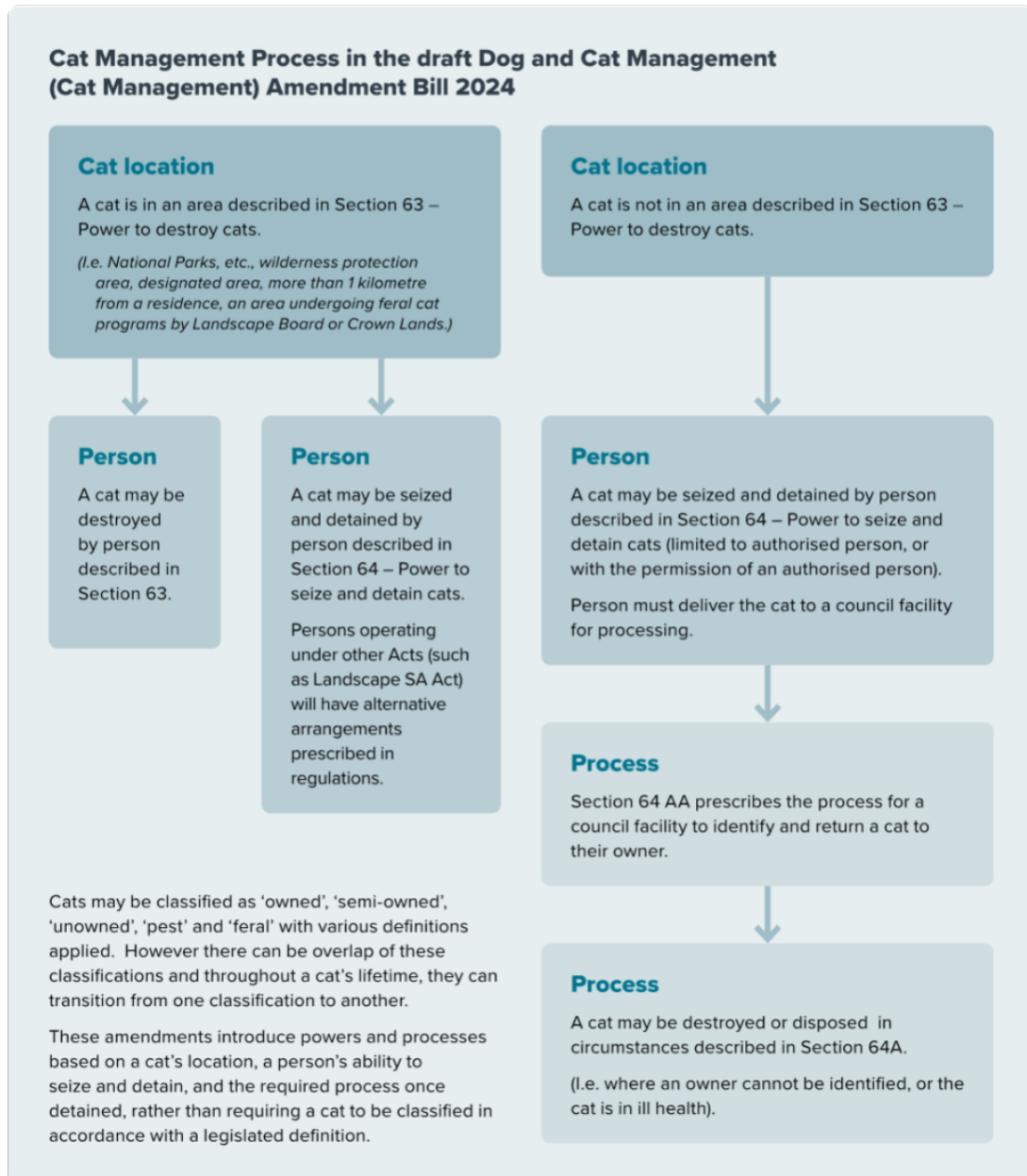
We know the current *Dog and Cat Management Act 1995* creates operational issues for officers working to manage cats in areas of the State where feral cats are problematic. This creates confusion and unintended barriers which result in inaction and further uncontrolled breeding.

Management of cats is a complex topic with shared responsibility by individuals, local, state and federal government, as well as non-government parties.

There are passionate perspectives within the community ranging from advocating for cats as part of a modified

environment, to significant concern for the wildlife impacts of feral cats. The community is interested in improvements to cat management, and this is frequently seen through public surveys, consultation and media reports and via Council's introducing by-laws.

Delivering good cat management will involve the efforts of many stakeholders and new partnerships. These proposed amendments focus on resolving existing issues in the Act, to allow local and state government to effectively manage cats in an appropriate and balanced approach.



# Draft Dog and Cat Management (Cat Management) Amendment Bill 2024

## The amendments included in the draft bill seek to:

- Revise and update powers and functions for councils to seize and detain cats, implement by-laws, and deal with owned and unowned cats.
- Clarify powers and remove barriers for landscape boards, National Parks, and other stakeholders to better manage feral cats.

## Draft changes include:

- Insert new section 9A—Application of Act
- Amendment of section 63 – Power to destroy cats
- Amendment of section 64 – Power to seize and detain cats
- Insert new section 64AA— Procedure following seizure of cat
- Amendment of section 64A— Destruction or disposal of seized cat
- Amendment of section 64D—Notification to owner of dog or cat destroyed etc. under Part

The following pages include a detailed explanation of each amendment.

## Section 9A—Application of Act

A proposed new section 9A aims to clarify a hierarchy that if there is an inconsistency between the Act and other South Australian legislation, so that the provisions of the Act are not a barrier to eradication programs for managing feral dogs or cats.

This provision does not target owned cats. This proposed new section would only be used if there is an inconsistency between the Act and another South Australian legislation in relation to undertaking a program to address feral cats and dogs. Such programs must comply with safeguards required by the other Act.

### Current Dog and Cat Management Act 1995

Not in the current legislation.

### Proposed change

#### 9A—Application of Act

Nothing in this Act limits or otherwise affects a program to reduce or eradicate feral dogs or cats conducted under any other Act or law.

## What do you think?

Do you agree with the introduction of Section 9A – setting out that the Dog and Cat Management Act does not limit or affect feral dog or cat control programs conducted under other Acts or laws?

## Section 63 – Power to destroy cats

Various Acts enable cat management to be undertaken, including the *National Parks and Wildlife Act 1972*, *Wilderness Protection Act 1992*, *Crown Land Management Act 2009*, *Landscape South Australia Act 2019*, with the *Dog and Cat Management Act 1995* also prescribing powers under these Acts regarding cats.

We know the current *Dog and Cat Management Act 1995* creates operational issues for managing cats across the State creating barriers which result in inaction and uncontrolled breeding. The proposed amendments to section 63 aim to resolve the barriers.

N.B. the *Animal Welfare Act 1985* requires all animals to be treated humanely regardless of the powers provided in the *Dog and Cat Management Act 1995*.

### Who has powers

Section 63 of the Act currently refers to 'warden', 'authorised officer' and 'inspector' in relation to the *National Parks and Wildlife Act 1972*, *Wilderness Protection Act 1992*, *Crown Land Management Act 2009*, *Landscape South Australia Act 2019* and the *Animal Welfare Act 1985*.

Contractors are often engaged to undertake pest management programs, as part of engaging a flexible workforce and bringing in expertise skills as required. Currently they are prevented from undertaking pest management programs in relation to cats.

Amendments to this provision propose to:

- Broadened language to recognise contractors and other persons lawfully performing functions under these Acts.
- Update wording in the definition of Prescribed Person, in Section 64D – Notification to owner of dog or cat destroyed etc. under Part 5A of the Act—Destruction, seizure and detention etc. of dogs and cats.

### Operational barriers

Currently, a cat must be confirmed as 'unidentified' to exercise the power to destroy under *Crown Land Management Act 2009*, *Landscape South Australia Act 2019*, and *Animal Welfare Act 1985*.

This creates operational complexities and barriers for lethal feral cat control programs where trapping, frequent checking of traps, and scanning for a microchip is not practical or appropriate due to isolation of locations or urgency of biodiversity management. Lethal feral animal activities are governed by other legislation, including the Acts mentioned.

Amendments to this provision propose to:

- Treat persons lawfully performing functions under the *Crown Land Management Act 2009*, and *Landscape South Australia Act 2019* the same as those lawfully performing functions under the *National Parks and Wildlife Act 1972*, and *Wilderness Protection Act 1992*.
- Include clarifying provision to state that cats may be trapped and euthanised in these circumstances (section 63(1a)).

### Amend distance from a residence where a cat may be destroyed

Currently a cat may be destroyed if found more than 1 kilometre from any genuine place of residence.

This means that landowners in rural areas have not been able to manage feral cat colonies on their own property even if it is more than 1 kilometre from a neighbouring residence.

Amendments to this provision propose to:

- Exempt a person's own place of residence. This will allow a person to manage feral cats on their own property, as long as the distance from any other genuine place of residence is greater than 1 kilometre or a distance set in regulation.
- Add a regulation making power so specific distances can be set, for example in a specific geographic location (for example Kangaroo Island).

### Amend powers for persons authorised

Currently, section 63 (2) intends to give powers to authorised persons, however the wording has created barriers in application.

Amendments to this provision propose to:

- Allow for circumstances in which authorised persons may destroy cats, without seizure, to be provided in regulations.

## What do you think?

Do you agree with the proposed amendments to section 63, updating the circumstances where cats may be lawfully destroyed?

Current Dog and Cat Management Act 1995	Proposed change
<p><b>63—Power to destroy cats</b></p> <p>(1) A person may lawfully destroy or injure a cat in the following circumstances:</p> <p>(a) if the person is a <b>warden</b> under the National Parks and Wildlife Act 1972 or the Wilderness Protection Act 1992 and the cat is in a reserve or sanctuary (within the meaning of the National Parks and Wildlife Act 1972) or a wilderness protection area or zone (within the meaning of the Wilderness Protection Act 1992);</p> <p>(b) if the person is the owner or occupier of a designated area, or a person authorised for the purpose by the owner or occupier of a designated area and the cat is found in the designated area;</p> <p>(c) if the cat is found in a place that is more than 1 kilometre from any place genuinely used as a place of residence;</p> <p><b>(d) if the cat is unidentified and—</b></p> <p>(i) the person is an authorised officer under the Crown Land Management Act 2009 and the cat is found in an area in respect of which the authorised officer is authorised to exercise powers under that Act; or</p> <p>(ii) the person is an authorised officer under the Landscape South Australia Act 2019 and the cat is found while the person is acting in the ordinary course of the person's duties under that Act; or</p> <p><b>(iii) the person is an inspector under the Animal Welfare Act 1985 and the cat is found while the person is acting in the ordinary course of his or her duties under that Act; or</b></p> <p>(iv) the person is a <b>registered veterinary surgeon</b> acting in the ordinary course of his or her profession; or</p> <p>(v) the person is acting for or on behalf of 1 of the following bodies or persons in respect of a cat that has been delivered to a facility operated by the person or body:</p> <p>(A) the Royal Society for the Prevention of Cruelty to Animals (South Australia) Incorporated;</p> <p>(B) the Animal Welfare League of South Australia, Incorporated;</p> <p>(C) a body or person specified by the regulations.</p> <p>(2) Without limiting subsection (1), an authorised person may lawfully destroy or injure a cat in <b>any of the circumstances specified in that subsection.</b></p> <p>(3) Nothing in this section limits the operation of section 34B of the Animal Welfare Act 1985.</p> <p>(4) The Governor may, by proclamation made on the recommendation of the Board, declare land to be a designated area for the purposes of this section.</p> <p>(5) A proclamation under this section may be varied or revoked by further proclamation made on the recommendation of the Board.</p>	<p><b>63—Power to destroy cats</b></p> <p>(1) A person may lawfully destroy or injure a cat in the following circumstances:</p> <p>(a) if the person is <b>performing functions</b> under the <i>National Parks and Wildlife Act 1972</i> or the <i>Wilderness Protection Act 1992</i> and the cat is in a reserve or sanctuary (within the meaning of the <i>National Parks and Wildlife Act 1972</i>) or a wilderness protection area or zone (within the meaning of the <i>Wilderness Protection Act 1992</i>);</p> <p>(b) if the person is the owner or occupier of a designated area, or a person authorised for the purpose by the owner or occupier of a designated area and the cat is found in the designated area;</p> <p>(c) if the cat is found in a place that is more <b>than the prescribed distance from any genuine place of residence (not including a place owned or occupied by the person)</b></p> <p><b>(d) if the person is performing functions</b> under the <i>Crown Land Management Act 2009</i> and the cat is found in an area in respect of which the person is authorised to exercise powers under that Act;</p> <p><b>(e) if the person is performing functions</b> under the <i>Landscape South Australia Act 2019</i> and the cat is found while the person is performing those functions;</p> <p><b>(f) if the person is a veterinarian</b> acting in the ordinary course of their profession;</p> <p><b>(g) if the person is acting for or on behalf of 1 of the following bodies or persons in respect of a cat that has been delivered to a facility operated by the person or body:</b></p> <p><b>(i)</b> the Royal Society for the Prevention of Cruelty to Animals (South Australia) Incorporated;</p> <p><b>(ii)</b> the Animal Welfare League of South Australia, Incorporated;</p> <p><b>(iii)</b> a body or person specified by the regulations;</p> <p><b>(h) in any other circumstances prescribed by the regulations.</b></p> <p><b>(1a) Without limiting subsection (1), a person referred to in that subsection may, in accordance with any requirements set out in the regulations, lawfully destroy a cat that has been lawfully trapped in accordance with this or any other Act or law (and sections 64, 64AA and 64A will be taken not to apply in relation to the cat).</b></p> <p><b>Note— Those sections would, for example, otherwise require the trapped cat to be delivered to a facility for detention.</b></p> <p>(2) Without limiting subsection (1), an authorised person may lawfully destroy or injure a cat in <b>the circumstances prescribed by the regulations</b></p> <p>(3) Nothing in this section limits the operation of section 34B of the <i>Animal Welfare Act 1985</i>.</p> <p>(4) The Governor may, by proclamation made on the recommendation of the Board, declare land to be a designated area for the purposes of this section.</p> <p>(5) A proclamation under this section may be varied or revoked by further proclamation made on the recommendation of the Board.</p> <p><b>(6) In this section—</b></p> <p><b>prescribed distance, from a place of residence, means—</b></p> <p><b>(a) if the regulations prescribe a distance for the purposes of this paragraph—that distance; or</b></p> <p><b>(b) if the regulations do not prescribe a distance for the purposes of this paragraph—1 kilometre.</b></p>

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## Section 64 – Power to seize and detain cats

Currently anyone can seize and detain an ‘unidentified’<sup>2</sup> cat and deliver it to a facility for the care of cats, as listed in the Act.

This creates uncertainty as a person is often not able to know if a cat is ‘identified’ or ‘unidentified’ until a cat has been seized and scanned for a microchip, nor can a person prevent a microchipped cat from entering a trap and becoming seized.

Secondly, there is no requirement for the facilities listed in the Act to accept a seized cat.

Finally, for cats that can be identified by means of microchip, the current setting requires them to be released back where they were seized. This means that owned microchipped cats that are lost, have no ability to be detained, scanned and returned to the owner.

To increase protections for cats that are not creating an offence under the Act, and to also remove the impractical barriers of seizing cats, a balanced approach is required. An effort has been made to align the provisions for cats to those existing for dogs, where possible.

Amendments to this provision propose to:

- Provide clarity on how seized and detained cats must be managed.
- Allow all cats to be seized and detained, not just unidentified cats, in specific scenarios.
- Restrict the ability to seize and detain to an authorised person, persons performing functions or a person with the permission of an authorised person.
- Ensure seizing and detaining of cats is undertaken pursuant to the conditions determined by councils.

### What do you think?

Do you agree with the proposed amendments to section 64, modifying the circumstances where cats may be seized and detained by local councils?

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<sup>2</sup> ‘Unidentified’ means a cat that is not microchipped or identified in the manner set out in the Act.

<i>Current Dog and Cat Management Act 1995</i>	<i>Proposed change</i>
<p><b>64—Power to seize and detain cats</b></p> <p>(1) <b>A person</b> may seize and detain a cat in any of the following circumstances:</p> <p>(a) the circumstances set out in section 63(1);</p> <p>(b) any other circumstances set out in the regulations.</p> <p>(2) A person may seize and detain an unidentified cat for the purpose of delivering it within 12 hours to—</p> <p>(a) a registered veterinary surgeon; or</p> <p>(b) a facility for the care of cats operated by—</p> <p>(i) the Royal Society for the Prevention of Cruelty to Animals (South Australia) Incorporated; or</p> <p>(ii) the Animal Welfare League of South Australia, Incorporated; or</p> <p>(iii) a body or person specified by the regulations; or</p> <p>(c) a facility nominated by a council and approved by the Board at which cats may be detained,</p> <p><b>however</b> nothing in this subsection authorises the person to destroy the cat.</p>	<p><b>64—Power to seize and detain cats</b></p> <p>(1) <b>An authorised person</b> may seize and detain a cat—</p> <p>(a) to prevent or stop the contravention of a by-law of the relevant council; or</p> <p>(b) if the authorised person reasonably suspects that the cat is lost, unowned or feral; or</p> <p>(c) if requested to do so by a member of an emergency service; or</p> <p>(d) in any other circumstances prescribed by the regulations.</p> <p>(2) A person (<b>not being an authorised person</b>) may seize and detain a cat—</p> <p>(a) if the person is performing functions under the Crown Land Management Act 2009 and the cat is found in an area in respect of which the person is authorised to exercise powers under that Act;</p> <p>(b) if the person is performing functions under the Landscape South Australia Act 2019 and the cat is found while the person is performing those functions;</p> <p>(c) if the person is performing functions under the Animal Welfare Act 1985 and the cat is found while the person is performing those functions;</p> <p>(d) if the person is a veterinarian acting in the ordinary course of their profession;</p> <p>(e) if the cat is found on land owned or occupied by the person and the person is acting in accordance with an approval of the relevant council or an authorised person; or</p> <p>(f) in any other circumstances prescribed by the regulations.</p> <p>(3) An approval under subsection (2)(e)—</p> <p>(a) may be conditional or unconditional; and</p> <p>(b) must comply with any requirements set out in the regulations.</p> <p>(4) A person who seizes and detains a cat under subsection (2)(a), (b), (c), (d) or (f) must deal with the cat in accordance with the regulations</p> <p>(5) A person who seizes and detains a cat under subsection (2)(e) must—</p> <p>(a) if conditions setting out how a cat is to be dealt with following seizure and detention are imposed on the relevant approval—deal with the cat in accordance with those conditions; or</p> <p>(b) within 12 hours deliver the cat to a facility nominated by the council in whose area the cat was seized (being a facility that agrees to being nominated for the purposes of this subsection and that is approved by the Board for the detention of cats); or</p> <p>(c) if paragraph (a) does not apply in the circumstances and it is not reasonably practicable to deliver the cat in accordance with paragraph (b)—deal with the cat in accordance with the regulations.</p> <p>(6) A person who, without reasonable excuse, contravenes subsection (4) or (5) is guilty of an offence. Maximum penalty: \$5000. Expiation fee: \$315.</p> <p>(7) Nothing in this section authorises a person who has seized and detained a cat to destroy the cat.</p>

## Section 64AA—Procedure following seizure of cat

There is a process for managing detained dogs in the Act however there is no specific process for managing cats that have been legally seized and detained. An authorised person responsible for detaining a cat has no guidance on how long to detain the cat before it can be rehomed or disposed of.

This has been creating inconsistency between council areas. Clarity is sought so that councils may choose to make arrangements for the detention of cats in a similar

manner to dogs. This approach considers that in many council areas, cat detention facilities will need to be approved over time, balanced with each community's cat management expectations.

Amendments to this provision propose to:

- Improve the outcomes for seized and detained cats, introducing a similar arrangement to the long-established process for dogs.

Current Dog and Cat Management Act 1995	Proposed change
Not in the current legislation.	<p><b>64AA—Procedure following seizure of cat</b></p> <p>(1) Without limiting section 64A, if a cat is seized under this Division, it must—</p> <ol style="list-style-type: none"> <li>(a) be returned to a person who owns or is responsible for the control of the cat; or</li> <li>(b) be detained in a facility approved by the Board for the purpose of detaining cats; or</li> <li>(c) be otherwise dealt with in accordance with the scheme set out in the regulations.</li> </ol> <p>(2) If a cat is detained, the person causing it to be detained must—</p> <ol style="list-style-type: none"> <li>(a) cause the cat to be scanned to determine whether it is microchipped; and</li> <li>(b) either—                     <ol style="list-style-type: none"> <li>(i) cause a notice to be displayed at the office of the council for the area in which the cat was seized (or if the cat was seized outside municipal and district council areas, at the police station nearest to where the cat was seized) containing—                             <ol style="list-style-type: none"> <li>(A) a general description of the cat; and</li> <li>(B) the day and time it was seized; and</li> <li>(C) contact details of a person or body to whom further enquiries can be made; or</li> </ol> </li> <li>(ii) cause such a notice to be published on the official website of the council for the area in which the cat was seized (or if the cat was seized outside municipal and district council areas, on the official website of SA Police).</li> </ol> </li> <li>(c) if a person who owns or is responsible for the control of the cat is known to the person or is readily ascertainable— cause notice of the detention to be given, as soon as practicable, to the owner or other person in the manner and form required by the Board.</li> </ol> <p>(3) A notice under subsection (2)(b) must remain displayed for at least 72 hours.</p> <p>(4) Nothing in this section prevents a person from taking a seized or detained cat that is sick, injured or distressed to a veterinarian for assessment and treatment.</p>

### What do you think?

Do you agree with the proposed introduction of section 64AA – setting out the procedure councils and other bodies must follow in relation to a seized cat?



## Section 64A—Destruction or disposal of seized cat

There is currently a disparity between how dogs and cats are managed by authorities, despite both needing to be microchipped, desexed and registered on Dogs and Cats Online by owners.

Councils may dispose of cats by rehoming, transferring to a shelter or foster care organisation for care and rehoming. Councils may also utilise humane euthanasia where rehoming is not appropriate.

Amendments to this provision propose to:

- Provide instruction in determining to dispose of seized cat. These processes are based on the current processes for dogs.

Current Dog and Cat Management Act 1995	Proposed change
<p><b>64A—Destruction or disposal of seized cat</b></p> <p>(1) If a cat is seized and detained under this Division, the person responsible for the cat while so detained (other than a person referred to in section 64(2)) may cause the cat to be destroyed or otherwise disposed of.</p> <p>(2) If a cat is disposed of under subsection (1) by sale, the proceeds of the sale are the property of the operator of the facility at which the cat had been detained</p>	<p><b>64A—Destruction or disposal of seized cat</b></p> <p>(1) A person who is responsible for a cat that is seized and detained under this Division (other than a person who seized or detained a cat under section 64(2)(e)) may cause the cat to be destroyed or otherwise disposed of—</p> <p>(a) if the cat is suffering from injury, disease or sickness to the extent that it is impracticable to maintain the cat; or</p> <p>(b) if the cat is suffering from a contagious or infectious disease or sickness; or</p> <p>(c) if the cat is not claimed by a person entitled to the return of the cat within 72 hours from when notice of its detention was last given under this Division; or</p> <p>(d) if a person in whose name the cat is registered declines to take possession of the cat; or</p> <p>(e) if money due in relation to the detention of the cat is not paid within 7 days after a request for payment; or</p> <p>(f) if the cat is an unidentified cat, or is unowned or feral; or</p> <p>(g) in any other circumstances prescribed by the regulations.</p> <p>(2) If a cat is disposed of under subsection (1) by sale, the proceeds of the sale are the property of the operator of the facility at which the cat had been detained.</p>

### What do you think?

Do you agree with the proposed amendments to section 64A – detailing the circumstances for disposal of a seized cat?

## Section 64D—Notification to owner of dog or cat destroyed etc under Part

Amendments to this provision propose to:

- Update the definition of prescribed person. This reflects changes proposed for section 63, which are discussed earlier in this section.

### 64D—Notification to owner of dog or cat destroyed etc under Part

- (1) A person who destroys, injures, seizes or detains a dog or an identified cat under this Part must, as soon as practicable—
- take reasonable steps to inform the owner of the dog or cat of the action taken; and
  - notify—
    - if the action is taken in an area that is not within a council area—a police officer; and
    - if the action is taken within a council area—the council of that area.
- Maximum penalty: \$1 250. Expiation fee: \$210.
- (2) Subsection (1)(b) does not apply in the following circumstances:
- if the person destroying, injuring, seizing or detaining a dog or cat is a prescribed person;
  - any other circumstances prescribed by the regulations.

Current Dog and Cat Management Act 1995	Proposed change
<p><b>64D—Notification to owner of dog or cat destroyed etc under Part</b></p> <p>(3) In this section— <b>prescribed person</b> means—</p> <ol style="list-style-type: none"> <li>an authorised person; or</li> <li>a warden under the National Parks and Wildlife Act 1972 or the Wilderness Protection Act 1992; or</li> <li>an authorised officer under the Crown Land Management Act 2009; or</li> <li>an authorised officer under the Landscape South Australia Act 2019; or</li> <li>an inspector under the Animal Welfare Act 1985; or</li> <li>a registered veterinary surgeon; or</li> <li>a person acting for or on behalf of 1 of the following bodies or persons in respect of a dog or cat that has been delivered to a facility operated by the person or body:                     <ol style="list-style-type: none"> <li>the Royal Society for the Prevention of Cruelty to Animals (South Australia) Incorporated;</li> <li>the Animal Welfare League of South Australia, Incorporated;</li> <li>a body or person specified by the regulations; or</li> </ol> </li> <li>any other person prescribed by the regulations.</li> </ol>	<p><b>64D—Notification to owner of dog or cat destroyed etc under Part</b></p> <p>(3) In this section— <b>prescribed person</b> means—</p> <ol style="list-style-type: none"> <li>an authorised person; or</li> <li>a person referred to in the following provisions:                     <ol style="list-style-type: none"> <li>section 59D(c);</li> <li>section 63(1)(a) or (d) to (g) (inclusive);</li> <li>section 64(2)(a) to (e) (inclusive); or</li> </ol> </li> <li>any other person prescribed by the regulations.</li> </ol>

### What do you think?

Do you agree with the proposed amendments to section 64D? These amendments reflect proposed changes to section 63.



## Looking forward

Changes proposed in the draft *Dog and Cat Management (Cat Management) Amendment Bill 2024* focus on the powers and functions of councils and/or a person performing a seizing, detaining or destroying function under the *Dog and Cat Management Act 1995* or another relevant Act, to manage cats.

These amendments do not increase or decrease obligations for cat owners. Owners are already required to desex, microchip, and register the microchip number of their cat on Dogs and Cats Online. The proposed amendments do not include annual cat registration or requirements for cats to be prevented from wandering off property, as councils may already implement these actions.

Increasingly, owners understand the many risks roaming cats encounter. Roaming cats tend to have much shorter lifespans as they are exposed to traffic, attacks from other animals, untreated health conditions and injuries as well as extreme weather. They can also cause a nuisance

to neighbours and have a significant impact on wildlife. Undesexed roaming cats contribute to unwanted litters, and unsustainable volumes of rehoming opportunities.

Reflecting community sentiment, local councils are introducing by-laws to manage cats, however there are opportunities to improve how these operate. The state government has identified priorities to support cat management action in 2024-25, 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.

The government is keen to hear your thoughts on what potential future amendments could be made to address these problems on a state-wide level and gather your thoughts on the future of cat management in general.

### What do you think?

Provide your views on what future actions you would like to see considered for cat management in South Australia

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# Have YourSAy

What do you think? Your feedback will help us understand the collective community views regarding dog and cat management expectations.

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 on YouSAy at [yoursay.sa.gov.au](https://yoursay.sa.gov.au)



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