

Proposed Dog and Cat Management Regulations 2016

Frequently Asked Questions

General

What is the Government consulting on?

The South Australian Government has been working with key stakeholders to reform the state's dog and cat laws, specifically the *Dog and Cat Management Act 1995*. Changes to the Act were passed by Parliament in July 2016. The government is now consulting on the draft Regulations that will provide the detail on how the Act will operate.

The amendments to the Act and the Regulations relating to these amendments will become operational from a future date, during 2017 and 2018.

What are the main changes to the law?

The main changes relate to:

- Microchipping – introducing a requirement for all dogs and cats to be microchipped by the proposed age of three months from 1 July 2018.
- Desexing – introducing a requirement to desex all dogs and cats born after the proposed date of 1 July 2018 and by the proposed age of six months.
- Breeders – introducing a requirement that a person must not sell a dog or cat they have bred unless they are registered as a breeder with the Dog and Cat Management Board.
- Sellers – introducing a requirement for certain information to be provided to the buyer.
- Council powers – providing councils, which are responsible for dog and cat management in their local areas, with greater powers to administer and enforce the Act.
- Assistance Dogs – changing who can accredit animals.

What happens now?

Draft regulations that will bring the newly amended Act into effect are now open for a six-week public consultation period, concluding on Monday, 7 November 2016.

What can I offer feedback on?

We are seeking your input on:

- timeframes for registering microchip details
- exemptions from microchipping and desexing
- breeding of dogs and cats
- the information to be provided in pet advertisements, and the information to be provided to buyers
- any areas that require further clarification or may have been missed.

Given the expert advice from key stakeholder groups as well as the extensive feedback from the general community in the previous consultation process, the age of microchipping and desexing are unlikely to change.

Other changes, such as the specifications for a microchip, are technical in nature and we are seeking feedback directly from those impacted.

How do I provide feedback?

More information on the proposed changes and a submission form for providing your comments is available on the government's YourSAy website at www.yoursay.sa.gov.au or by calling (08) 8124 4962

How have the draft Regulations been developed?

Throughout the development of the amendments to the Act, and in the drafting of the Regulations, there has been significant input and feedback from the general community and organisations within the sector on the various provisions in the Regulations, such as the age of microchipping and desexing and possible exemptions. These comments and feedback have been incorporated into the draft Regulations.

When will the Regulations come into operation?

Public feedback will be considered and incorporated as appropriate in the final Regulations that are presented to Parliament.

The South Australian Government expects that all Regulations will come into operation on 1 July 2017, with the exception of the Regulations relating to microchipping, desexing and the breeding and sale of dogs and cats, which are proposed to take effect from 1 July 2018.

The provisions relating to review of decisions by the SA Civil and Administrative Tribunal (SACAT) will come into effect from a later date to be determined, to fit with other requirements of SACAT.

The Dog and Cat Management Board will work with local government and other parties to develop programmes, guidelines and any required training to support the implementation process.

Pet owners

What do the changes mean for me and my dog or cat?

For pet owners, the changes cover:

- Mandatory microchipping
- Mandatory desexing
- Streamlining of the categories for dog registration
- Increased fines and penalties for dog attack offences, nuisance barking, wandering dogs and other offences.

Further details on these changes are provided below.

Microchipping

What is proposed for mandatory microchipping?

Under the new legislation, all dogs and cats will be required to be microchipped by the proposed age of three months. Microchipping will be the responsibility of the owner of the dog or cat prior to, or at, the required age. Owners will also be required to keep the microchip details up to date.

It is intended that this requirement will come into operation from 1 July 2018.

Sufficient lead time will be provided so that dogs or cats can be microchipped before the legislation comes into operation.

The Dog and Cat Management Board is discussing the need for transitional support or interim exemptions for remote communities without access to the services of a person who can insert microchips.

Animal welfare organisations and councils will be exempt from this requirement. Other exemptions to microchipping may apply if supported by a veterinarian.

How do I find out if my dog or cat is microchipped?

Most microchip organisations provide a microchip certificate to confirm that your dog or cat has been microchipped. If you don't have a microchip certificate, ask the microchip implanter or the supplier of the animal to provide you with one. Most vets and animal welfare organisations have microchip scanners. If you are not sure if your dog or cat is microchipped, ask for it to be scanned when you are next at one of these organisations.

Once you have the microchip number, visit www.petaddress.com.au to find out whether the microchip is stored on one of Australia's six national microchipping registries. If your microchip does not come up on petaddress then it may be that your microchip database company does not share their information with petaddress. This may mean that if your cat or dog is lost and is picked up by a council or the RSPCA then a search for the microchip number will not be successful.

Petaddress is the primary contact source for councils and the RSPCA to locate owners of lost animals. If your microchip number doesn't appear on petaddress you may wish to consider contacting one of the six national microchipping registries that use petaddress to request that your details are entered on their database.

How much does microchipping cost?

Some councils may offer microchipping days where you can get your dog or cat microchipped at a discounted price. Check with your local council to find out if they have any microchipping days planned in future.

Vets can also microchip your dog or cat. Your local vet will be able to let you know how much microchipping costs.

All of the animals adopted from the RSPCA and Animal Welfare League are already microchipped and desexed, which is incorporated into the purchase price.

How long does a microchip last and will it need to be replaced?

If it is properly implanted, a microchip will last the life of the animal and will not need to be replaced.

Who can microchip dogs and cats?

Currently microchipping in South Australia is unregulated. Under the new legislation microchips will be required to be inserted by a registered veterinary surgeon, a person working under the direction or supervision of a registered veterinary surgeon, a person who holds a qualification or has undertaken training approved by the Dog and Cat Management Board, or a person authorised by the Dog and Cat Management Board to implant microchips for the purposes of the Act.

If my dog has puppies, or my cat has kittens, and I want to give them away to friends, do the changes require me to have the puppies or kittens microchipped first?

The changes require that all dogs and cats are microchipped before they reach the proposed age of three months. Under these changes, you would be required to microchip the puppies or kittens if they had passed that age, when you were giving them away.

If the puppies or kittens are under the proposed age of three months when they are given away, then the new owner would be responsible for microchipping them, prior to the proposed age of three months.

Desexing

What is proposed for mandatory desexing?

Owners will be required to desex all new generations of dogs and cats born after the proposed date of 1 July 2018 and by the proposed age of six months.

Dog owners will not be required to desex dogs born before the proposed date of 1 July 2018 (unless under a control order or similar).

Are there any exemptions?

Yes. Working Livestock Dogs and breeders registered under the new section 68 of the Act are exempt from the desexing requirement.

Limited exemptions may be granted if desexing would pose an undue risk to the health or adversely affect the growth, development or wellbeing of the dog or cat and provided this is supported by a registered veterinary surgeon.

The Dog and Cat Management Board also has the power to grant exemptions on a case-by-case basis.

Transitional exemptions may be applied to remote communities without access to the services of a veterinarian.

What concessions or assistance would be available for concession holders and low income earners to desex their dog or cat?

The National Desexing Network is a nationwide referral system for discounted desexing which offers reduced cost desexing for those in genuine financial need.

Dog Registration

Will there be changes to dog registration?

The new legislation will simplify the basis for rebates on your dog registration fee. Currently, there are a minimum of eight registration categories. The new legislation will reduce these mandatory categories to only two – a ‘standard dog’ (that has been both microchipped and desexed including applicable exemptions) and a ‘non-standard dog’.

It is envisaged that this change will commence in the 2017 registration year.

How much would dog registration cost me under the new arrangements?

Registration fees are set by your council. The amount of any discount for the category of ‘standard dog’ that is both desexed and microchipped will be determined by your council under a maximum cap set by the Dog and Cat Management Board by notice in the Gazette, proposed to be \$100.

Councils will still be able to offer concessions on dog (and where applicable, cat) registration fees to suit their local communities.

Will there be restrictions to the number of dogs and cats per household?

No, the proposed changes would not limit the number of dogs and cats that can be kept per household. However, council by-laws can limit dog and cat numbers per household, so check local requirements with your council.

Would cats need to be registered as a result of the changes?

No, the changes do not include state-wide cat registration. However, cat registration may be required through council by-laws. Councils that currently require cats to be registered are the City of Mitcham, Kangaroo Island Council, the Municipal Council of Roxby Downs, the Flinders Ranges Council, the City of Victor Harbor and the Whyalla City Council.

Why aren't the changes considering cat registration?

Local councils are responsible for determining whether or not cats should be registered. Cat registration can be introduced through a council's by-laws.

Fines and Penalties

What are the changes to fines and penalties?

The new legislation will increase fines and penalties for dog attack offences, wandering dogs and nuisance barking as well as all other existing offences. The details of the new fines and penalties are contained in the Act. A summary of the key changes are below:

Example Expiation and Penalty Increases

EXAMPLE OFFENCES <i>All expiations in the Dog and Cat Management Act 1995 are proposed to be increased.</i>	CURRENT EXPIATION (1995 LEVEL)	NEW EXPIATION	CURRENT MAXIMUM PENALTY (1995 LEVEL)	NEW MAXIMUM PENALTY
A dog attacks, harasses or chases or otherwise endangers the health of a person, animal or bird	\$210	\$315	\$ 2500	\$2500
Dog wandering at large (first offence)	\$80	\$210	\$250	\$2500
Dog in, or in the grounds of, a school, kindergarten, child care centre or pre-school centre without the permission of the person in charge of that place	\$80	\$315	\$250	\$2500
Dog barking which persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of a person	\$105	\$315	\$750	\$1250
Dog defecates in a public place and the person responsible does not immediately remove the faeces	\$55	\$210	\$125	\$1250

Breeders

How do the changes affect dog and cat breeders?

Under the new legislation, a person(s) who breeds dogs and cats will be required to register as a breeder with the Dog and Cat Management Board before the sale of any dog or cat. A person(s) who gives away a dog or cat they have bred for no consideration of money or in-kind, will not be required to register as a breeder.

It is proposed that a breeder's contact details will be publically available on the register of breeders.

The changes also include the provision that registration as a breeder will require the payment of a fee. The amount of this fee is proposed to be approximately \$75. The Dog and Cat Management Board is negotiating with breeder organisations on a reduced fee for organisation members.

It is proposed that a breeder who registers with the Dog and Cat Management Board will receive a breeder registration number which will be required to be included in any advertisements (either in print or online) that are placed for the sale of a dog or cat. This is designed to help consumers be confident that their pet has come from a healthy and humane environment.

Why do the changes require breeders to register with the Board?

The breeder registration scheme will provide regulatory oversight of breeders. This will be easy to comply with and less expensive to implement than a licensing scheme, however it will not accredit or assess the breeders. It will discourage disreputable breeders who may be operating puppy farms and ensure breeders comply with legislative obligations. It will also give people who buy a dog or a cat confidence that their pet has come from a reputable breeder.

I am already registered with a breeder association, will I have to register twice?

The government and the Dog and Cat Management Board recognises the important role that breeder organisations have in the sector. The Board will consult further with breeder organisations about arrangements to streamline the registration of their members as breeders.

As a breeder, will I have to get puppies and kittens microchipped and desexed before I sell them?

The changes will require all dogs and cats to be microchipped by the proposed age of three months and to be desexed by the proposed age of six months.

Based on the proposed ages:

- If you are selling the dog or cat before three months and it is not microchipped or desexed, it is proposed that you must inform the buyer of their obligation to microchip and desex the animal by the proposed age of three months and six months respectively.
- If you are selling a dog or cat that is between three months and not yet six months of age, you will be required to microchip it before it is sold and if it is not desexed it is proposed that you must inform the buyer of their obligation to desex the animal by the proposed age of six months.
- If you are selling a dog or cat that is over six months or age, you will be required to microchip and desex it before it is sold.

Pet Traders

As a pet seller, will I have to get puppies and kittens microchipped and desexed before I sell them?

The changes will require all dogs and cats to be microchipped by the proposed age of three months and to be desexed by the proposed age of six months.

Based on the proposed ages:

- If you are selling the dog or cat before three months and it is not microchipped or desexed, it is proposed that you must inform the buyer of their obligation to microchip and desex the animal by the proposed age of three months and six months respectively.
- If you are selling a dog or cat that is between three months and not yet six months of age, you will be required to microchip it before it is sold and if it is not desexed it is proposed that you must inform the buyer of their obligation to desex the animal by the proposed age of six months.
- If you are selling a dog or cat that is over six months or age, you will be required to microchip and desex it before it is sold.

Sale of Dogs and Cats

If my dog has puppies or my cat has kittens and I want to give them away, do I have to register as a breeder?

No. Under the new legislation, a person must not sell a dog or cat that they have bred unless they are registered as a breeder. The definition of sale includes auction, barter or exchange but does not include give away.

Councils

What do the changes mean for my council?

The changes mean that council officers appointed as 'Authorised Persons' will be given additional powers to enforce the Dog and Cat Management Act that align with equivalent powers in the Local Government Act.

The requirement for mandatory microchipping will make it easier for councils to return lost dogs and cats to their owners.

The changes to simplify the dog registration process, reducing the number of registration categories will reduce unnecessary administration for councils.

Assistance dogs

What are the changes relating to Assistance Dogs?

Under the new legislation, disability dogs will be referred to as 'Assistance Dogs'. This change makes the South Australian terminology consistent with the rest of Australia.

Assistance Dogs including those in training, are provided with 'public access rights' which will allow them access into restaurants, shops, hospitals, public transport and other places where dogs are usually not allowed.

The new legislation also provides disability service organisations with the means to accredit Assistance Dogs if they have graduated from, or are in training to graduate from, that organisation's program of training, recognising the expertise and community respect for these organisations. Currently, only the Dog and Cat Management Board can accredit Assistance Dogs.

Administration of the Act

Who is responsible for administering and enforcing the Dog and Cat Management Act?

The 69 local government councils, including the Outback Communities Authority, in South Australia are responsible for enforcing the Dog and Cat Management Act.

The Dog and Cat Management Board is responsible for overseeing administration and enforcement of the Act and for providing advice to the government about how to effectively manage dogs and cats in South Australia. More information about the Dog and Cat Management Board can be found at www.dogandcatboard.com.au