

Overview of proposed Dog and Cat Management Regulations 2016

DEVELOPMENT OF DETAILED REGULATIONS

The South Australian Government has made changes to the *Dog and Cat Management Act 1995* (the Act) to deliver on its commitment to improve the management of dogs and cats in the community.

The changes to the Act are based on joint recommendations of the Dog and Cat Management Board, the Local Government Association, the 2015 Citizens' Jury on Reducing Unwanted Dogs and Cats and findings of the Select Committee on Dogs and Cats as Companion Animals.

The *Dog and Cat Management (Miscellaneous) Amendment Bill 2015* was released for public consultation in 2015. Following the consultation process, the Bill was introduced into Parliament in November 2015 and was passed in July 2016.

Draft Regulations outlining detailed provisions for the operation of the Act have been developed based on feedback from the public consultation process and discussions with key stakeholders including the RSPCA, Animal Welfare League of South Australia, the Local Government Association's Authorised Persons' Association, the Australian Veterinary Association, Dogs SA, the Governing Council of the Cat Fancy of SA and the Feline Association of SA.

The draft Regulations will undergo public consultation for a six-week period. Public feedback will be considered and incorporated as appropriate in the final Regulations, which will then be presented to Parliament. The amendments to the Act and the Regulations relating to these amendments will be made operational from a future date, envisaged to be during 2017 and 2018.

The following summarises the major changes in the assented Bill. For further details, please refer to the Bill as passed by both Houses of Parliament at <http://yoursay.sa.gov.au/decisions/yoursay-engagements-dog-and-cat-reforms-draft-regulations/about>

Microchipping

Microchipping is the most effective way to reunite a lost dog or cat with its owner.

The new provisions include a requirement for all dogs and cats to be microchipped by the proposed age of three months. Owners will also be required to keep the microchip details up to date. The new provisions are intended to commence from 1 July 2018.

Dog and cat owners may apply for an exemption based on medical grounds, providing this is supported by a veterinarian. Exemptions will also apply to animal welfare organisations and councils.

The new provisions will require that a microchip must 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 Board to implant microchips.

For dogs, and cats in council areas that require cats to be registered, the requirement to microchip by the proposed age of three months will be enforced as part of the annual registration process.

Desexing

Dog and cat 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. Owners will not be required to desex dogs or cats born before the prescribed date (unless it is a dog under a control order or similar).

Working livestock dogs and breeders registered under new section 68 of the Act are exempt from this requirement. On application to the Dog and Cat Management Board limited exemptions may be granted where supported by a veterinarian. Transitional exemptions may be applied for remote communities without access to the services of a veterinarian.

Sale of Dogs and Cats

The new provisions will require sellers to give a new owner a written notice setting out the identity of the seller, the identity of the breeder, details of vaccinations and other treatments, information relating to the microchip, desexing, any other relevant medical information and in the case of a dog subject to control orders, details of the order. The details required will be outlined in the Regulations.

Dog and Cat Breeders

Anyone who breeds a dog or cat for sale will be required to register with the Dog and Cat Management Board or be registered interstate.

The new legislation will require a breeder to include their registration number in any relevant advertisement, including sales online.

Assistance Dogs

The term 'Assistance Dog' will replace the terms 'Disability Dog', 'Guide Dog' and 'Hearing Dog'. The term will also include dogs that are in training for such roles. The term 'Assistance Dog' is commonly used by other states and the Commonwealth Government.

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

The amended Act 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. This amendment recognises the expertise and community respect for these organisations. Currently, only the Dog and Cat Management Board can accredit Assistance Dogs.

Council Officers

The current terms of 'dog management officer' and 'cat management officer' will be replaced with 'Authorised Person'. This will be consistent with other Acts administered by local government, where a council employee is exercising statutory powers.

Under the new provisions, 'Authorised Persons' will be granted additional powers to improve their ability to enforce the Act, including:

- requiring a person to produce evidence that their dog or cat has been microchipped or desexed or both
- seizing and detaining a dog where it is suspected that a dog control order or a Prohibition Order has been breached
- reissuing any expiations for continuing offences
- greater powers to investigate offences.

Registration

The new legislation will simplify the basis for rebates on dog registration fees. Currently, there is 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’.

Increased Expiation and Penalties

Expiations have not been increased in 10 years and no longer represent a disincentive to breaching the Act. There will be an increase in expiations and penalties for dog attack offences, wandering dogs and nuisance barking as well as all other existing offences. Details of the new expiations and penalties are contained in the Act.