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# **Draft Dog and Cat Management Regulations 2016**

## Results of Public Consultation (YourSAy)

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Dogs and cats are important to South Australians.

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 major changes to the Act are:

- Microchipping – introducing a requirement for all dogs and cats to be microchipped by the age of three months from 1 July 2018.
- Desexing – introducing a requirement to desex all dogs and cats born after 1 July 2018 and by the 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 or registered as a breeder under a law of another jurisdiction.
- Sellers – introducing a requirement for certain information to be included in advertisements for the sale of a dog or cat and provided to the buyer of a dog or cat.

Draft Regulations outlining detailed provisions for the operation of the Act have been developed. The draft Regulations are based on feedback received from consultation on the proposed amendments to the Act (held during April and June 2015) and ongoing 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 (SA-NT Branch), Dogs SA, the Governing Council of the Cat Fancy of SA and the Feline Association of SA.

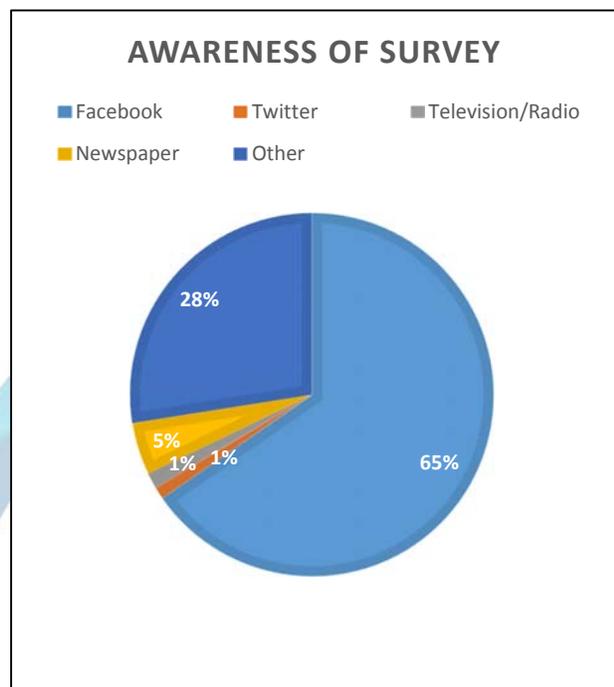
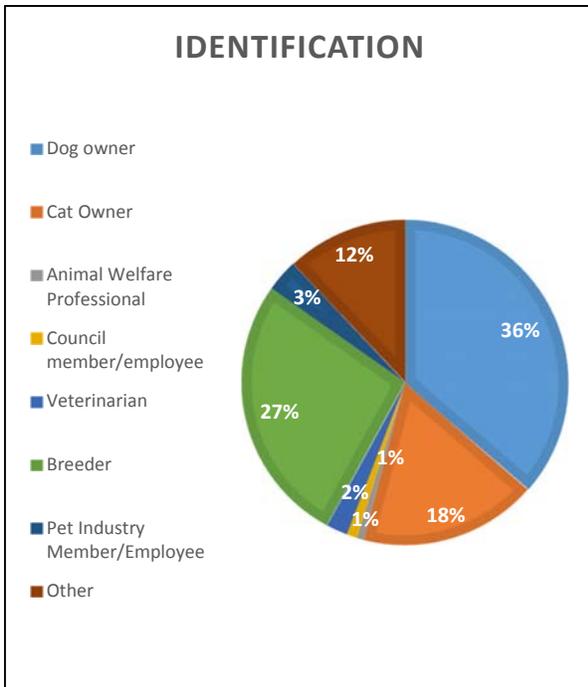
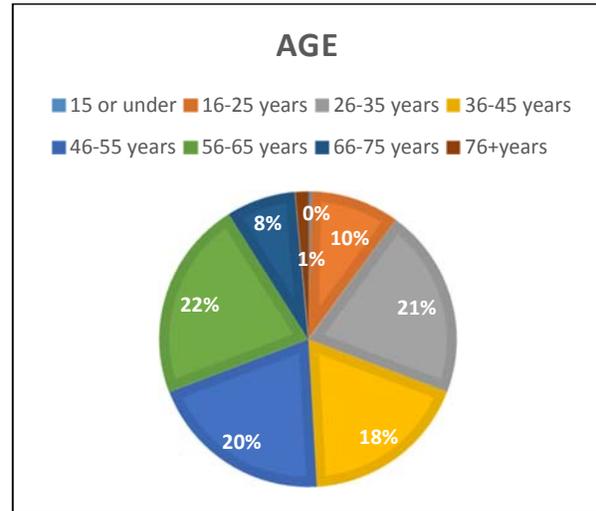
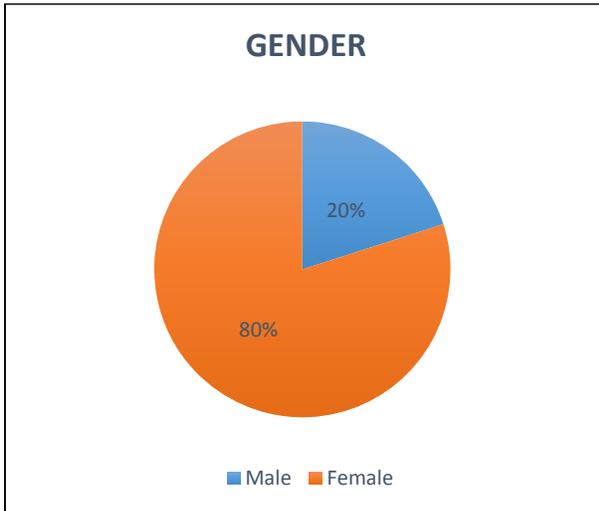
From 26 September – 7 November 2016 we asked for your opinion on the draft Regulations. We received 254 submissions from individuals and organisations. Some were received by post or email, however the majority of people chose to fill out the online survey on YourSAy. The key results of the responses to the online survey are detailed in this report.

Your valuable feedback, along with the feedback received from written submissions, is being considered prior to finalising the Regulations for tabling in Parliament.



## 1. GENERAL OBSERVATIONS OF SUBMISSIONS DATA

Two hundred and fifty-four responses were received to the online survey on the YourSay website. The majority of respondents were dog owners (36%), females (80%), aged between 56 and 65 (22%) and found out about the public consultation through Facebook (65%). A more detailed analysis is provided in the pie charts below.



The responses received were analysed for each of the main proposals in the Regulations.

## 2. MANDATORY MICROCHIPPING

The text on the YourSAy website is provided in the box below. People were asked to comment on the proposal.

While a majority of owners have already microchipped their dog or cat, a high number of lost pets arriving at council pounds and animal shelters have not been microchipped. Under the new legislation all dogs and cats are to be microchipped by the time they reach three months of age so that they can be returned to their owners if lost. You will be required to microchip your dog or cat before the requirement comes into force (intended to be from 1 July 2018).

Microchips in South Australia must be permanently implanted 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 who has undertaken training approved by the Dog and Cat Management Board or a person who has been authorised by the Dog and Cat Management Board to insert microchips for the purposes of the Act.

Given the expert advice from key stakeholders as well as the extensive feedback from the general community in the previous consultation process, the age of microchipping is unlikely to change.

Regulation 9 proposes that:

1. A person who microchips a dog or cat must, not later than three business days after doing so, provide to a microchip registry the following:
  - his or her name and telephone number
  - the identification number of the microchip implanted in the dog or cat
  - the name, residential address and telephone number of the owner of the dog or cat
2. A person who microchips a dog or cat must, not later than three business days after doing so, give the owner of the dog or cat a written notice setting out the identification number of the microchip implanted and identifying the microchip registry to which the information is, or is to be, provided.
3. If any of the microchip details change, the owner of the dog or cat must, within 14 days of any change, provide the microchip registry with the new information or a penalty will incur.
4. Limited exemptions may be granted if microchipping would pose an undue risk to the health, or adversely affect the growth, development and well-being of the dog or cat and provided this is supported by a registered veterinary surgeon.



*Your general comments on the broader mandatory microchipping proposal:*

Overall, 105 people commented on the broad proposals for mandatory microchipping. There is a strong view that a dog or cat should be microchipped before the first point of sale to maximise the number of dogs and cats that are microchipped.

A number of you had concerns regarding the cost of microchipping and would like to see affordable microchipping programs. In regard to this, some local councils across the state already offer microchipping days that provide a lower cost option. Visit your local council's website to see if they hold microchipping days.

*Your opinion on the proposed Regulation for mandatory microchipping:*

The majority who commented on the proposed Regulation, believe that the proposed timeframe of 3 business days for recording that a microchip has been implanted is too short and have suggested 7 days as a better option.

A number also believe that 14 days for owners to provide the microchip registry with any changes to details on the microchip is too short and have suggested a minimum of 21 days.

### **3. MANDATORY DESEXING**

The text on the YourSAY website is provided in the box below. People were asked to comment on the proposal.

The Dog and Cat Management Act defines desexing as permanently rendering an animal incapable of reproducing. The new legislation will require that all new generations of dogs and cats born after 1 July 2018 and by the proposed age of six months are desexed. This aims to reduce wandering and impoundment, reduce the unwanted cat population and reduce the incidence of dog attacks.

Desexing must be done by a registered veterinary surgeon. Working livestock dogs, animal welfare organisations and a person registered with the Dog and Cat Management Board as a breeder under section 68 of the Act will be exempt from this requirement. The Dog and Cat Management Board may also grant exemptions from these provisions on a case-by-case basis.

Given the expert advice from key stakeholders as well as the extensive feedback from the general community in the previous consultation process, the age of desexing is unlikely to change.

Regulation 11 proposes that:

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



*Your general comments on the broader mandatory desexing proposal:*

Overall, 141 people commented on the broad proposal for mandatory desexing. On reviewing your comments, it became clear that there has been confusion in the interpretation of the Regulations regarding desexing and the desexing requirements prior to sale. Regulation 11 requires that a dog or cat must be desexed before it is 6 months of age or within 28 days after the new owner takes possession of the dog or cat unless there is an exemption. Regulation 17 requires a dog or cat to be desexed before sale in accordance with Regulation 11.

Reading the two Regulations together, this means that a dog or cat must only be desexed before sale if it is over the age of 6 months, unless there is an exemption. If the dog or cat is less than 6 months old when it is sold, the new owner must desex the dog or cat by the time the animal is 6 months old, unless there is an exemption.

A large number expressed concern about the desexing age of dogs and cats. This was particularly in the case of large breeds of dogs and your concerns about the health risks. With regard to this, Regulation 12 provides for a registered veterinary surgeon to exempt a dog or cat from desexing if it will pose an undue risk to the health or adversely affect the growth, development or wellbeing of the dog or cat.

*Your opinion on the proposed Regulation for the mandatory desexing:*

Regarding the proposed Regulation, most of your comments were about providing an exemption from the requirement to desex show dogs and dogs involved in activities such as sledding, retrieving and other sports.

#### **4. BREEDING OF DOGS AND CATS**

The text that was on the YourSAy website is provided in the box below. People were asked to comment on the proposal.

It is proposed that anyone who breeds dogs and cats will need to register as a breeder with the Dog and Cat Management Board and pay a registration fee before they can offer a dog or cat for sale. A breeder's details will be publically available on the register of breeders. This will assist in managing dogs and cats and help consumers to be confident their pet has come from healthy and humane conditions.

Regulation 16 proposes that:

1. A person will be taken to have bred a dog or cat if the person:
  - provides semen or ova used to breed the dog or cat
  - provides any assistance in the course of breeding the dog or cat
  - provides facilities used in the course of breeding the dog or cat
  - did not take reasonable steps to prevent the impregnation of a dog or cat



*Your general comments on the broader proposal for the breeding of dogs and cats:*

Overall, 115 people commented on the broad proposal for the breeding of dogs and cats. Most of your comments were about the requirement under the Act for anyone who wants to sell a dog or cat to register with the Dog and Cat Management Board. Many breeders in particular consider that as they are already registered with a controlling body, such as Dogs SA, the Governing Council of the Cat Fancy SA or the Feline Association of SA, and pay subscription fees, they should be exempt from having to register with the Dog and Cat Management Board.

Some of you also queried how breeder registration would be enforced.

*Your opinion on the proposed Regulation for the breeding of dogs and cats:*

For those of you who commented on the proposed Regulation, the main issue raised related to wanting more clarity around the definition of when a person will be taken to have bred a dog or cat, with questions around various scenarios, such as whether a vet would be considered to be a breeder if they artificially inseminated a dog or cat.

## **5. SALE OF DOGS AND CATS**

The text on the YourSAy website is provided in the box below. People were asked to comment on the proposal.

All dogs and cats must be microchipped and desexed before sale in accordance with microchipping and desexing requirements provided in the Regulations. The definition of sale includes auction, barter or exchange, but excludes give away. Certain information must be provided in any advertisements (including online) for the sale of dogs and cats.

Regulations 17 & 18 propose that the specific details include:

1. the name and telephone number of the seller
2. the name and telephone number of each breeder
3. if a breeder is a registered breeder – the identification number issued to the breeder by the Dog and Cat Management Board

*Your general comments on the broader proposal for the sale of dogs and cats:*

Overall, 103 people commented on the broad proposal for the sale of dogs and cats. The majority of your comments related to 'give-aways'. Most of you consider that give-aways should not be excluded from the microchipping and desexing requirements. In addition to this, you were also concerned as to how these requirements would be enforced.

As with the desexing proposal there has been confusion in the interpretation of the Regulations regarding the microchipping and desexing requirements prior to sale. Regulation 9 requires that a



dog or cat must be microchipped before it is 12 weeks of age or within 28 days after the new owner takes possession of the animal, unless there is an exemption. Regulation 11 requires that a dog or cat must be desexed before it is 6 months of age or within 28 days after the new owner takes possession of the animal, unless there is an exemption. Regulation 17 requires a dog or cat to be microchipped and desexed before sale in accordance with Regulations 9 and 11. Therefore, reading the Regulations together, the following scenarios would apply unless there is an exemption:

- If you are selling a dog or cat **before** it is 12 weeks of age and it is not microchipped or desexed the new owner must microchip and desex the dog or cat by the time it is 12 weeks old and 6 months old respectively, unless there is an exemption.
- If you are selling a dog or cat **between** 12 weeks of age and not yet 6 months, you will be required to microchip the dog or cat and the new owner must desex the dog or cat by the age of 6 months.
- If you are selling a dog or cat that is **over** 6 months of age, you will be required to both microchip and desex the dog or cat before it is sold.

*Your opinion on the proposed Regulations for the sale of dogs and cats:*

There were no specific comments on the details that need to be included in advertisements for the sale of a dog or cat.

## 6. INFORMATION FOR BUYERS

The text on the YourSAy website is provided in the box below. People were asked to comment on the proposal.

As a condition of sale, sellers of dogs and cats will be required to give the new owner a written notice outlining important information relating to the dog or cat.

Regulation 18 proposes that the specific details include:

1. the name, address and telephone number of the seller
2. the name, address, telephone number of each breeder
3. if a breeder is a registered breeder – the identification number issued to the breeder by the Dog and Cat Management Board
4. details of vaccinations and other veterinary treatments given to the dog or cat
5. information on whether the dog or cat has been desexed and if so, the details, including:
  - the name and business address of the registered veterinary surgeon who desexed the dog or cat
  - the date it was desexed
  - the age at the time it was desexed
  - the nature of the desexing procedure
6. information on whether the dog or cat has been microchipped and if so, the details, including:



- the name and address of the person who microchipped the dog or cat
  - the date it was microchipped
  - the microchip number and the microchip registry where it is stored
7. details of any exemptions or extension of time granted in relation to microchipping and desexing
  8. details of any known illnesses and medical conditions
  9. if a dog is subject to a control order – details of the order
  10. any other information required by the Dog and Cat Management Board by notice in the Gazette.

*Your general opinion on the broader proposals for the information to be provided to buyers:*

Overall, 70 people commented on the broad proposal for the information to be provided to buyers. Many of you would like to see a standard online form developed that could be downloaded, filled out and provided to the buyer. It was also suggested that instructions on how to update the microchip registry could be included as information that is provided to buyers.

*Your opinion on the proposed Regulation for the information to be provided to buyers:*

For those of you who commented on the proposed Regulation, there was some concern about providing the buyer with the home address of the breeder. It was considered that this was a risk to the breeder's security and animal safety.

Many breeders commented that they already provide most of the required information – in fact many breeders provide more than is required.



# What next...?

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The results from the online survey show that the proposed Regulations are broadly supported. The comments received through the survey are being considered and will inform revisions to the final Regulations.

The next step will be for the Regulations to be finalised and tabled in Parliament. If there are no issues, they will then go to the Governor to proclaim. It is expected that this will occur in early 2017, with the first stage of the Regulations commencing on 1 July 2017. The Regulations relating to mandatory microchipping, desexing and breeder registration will not commence until 1 July 2018.

Thank you to all who participated in the consultation period. Your opinions and comments will assist us to get the Regulations right and improve dog and cat management for our pets and our communities.

