

South Australia

Dog and Cat Management Regulations 1995

under the *Dog and Cat Management Act 1995*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Dog and Cat Management Regulations 1995*.

2—Commencement

These regulations will come into operation on the day on which the *Dog and Cat Management Act 1995* comes into operation.

3—Revocation

All regulations previously made under the *Dog Control Act 1979* are revoked.

4—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Dog and Cat Management Act 1995*;

prescribed person means—

- (a) a person who holds a current pensioner health benefits or concession card issued by the Commonwealth; or
- (b) a person who holds a current State concession card issued by the Department for Family and Community Services; or
- (c) a totally and permanently incapacitated disability pensioner; or
- (d) a British Commonwealth Service Pensioner in receipt of a pension from, and assessed as eligible by, the Commonwealth Department of Veteran Affairs; or
- (e) a person who is in receipt of Commonwealth unemployment or sickness benefits or State financial assistance.

Note—

For definition of divisional penalties (and divisional expiation fees) see Appendix.

Part 2—Dog management

5—Percentage of dog registration fees to be paid into Fund

For the purposes of section 25(5) of the Act, the percentage of dog registration fees received by a council that must be paid into the Fund by the council is—

- (a) in the case of a council listed in Schedule 1—20%; and
- (b) in any other case—10%.

6—Dogs held in custody of certain bodies not required to be registered

Section 33 of the Act requiring dogs to be registered does not apply to a dog while held in the custody of—

- (a) the *South East Animal Welfare League*; or
- (b) the *Sandy Creek Dog Sanctuary*; or
- (c) the holder of a licence under Part 4 of the *Prevention of Cruelty to Animals Act 1985*.

7—Notices to be given and displayed before baits laid for dogs

For the purposes of section 49 of the Act, the following requirements must be complied with if poison is to be laid on land in baits likely to be taken by dogs wandering at large:

- (a) before the poison is laid on the land, notice in writing of the proposed action (specifying each place at which, and the period for which, the poison will be laid) must be served—
 - (i) on the owner or occupier of adjoining land; and
 - (ii) on—

- (A) in the case of land situated within the area of the *Outback Areas Community Development Trust*—a member of the police force on duty at the police station nearest to the land; or
 - (B) in any other case—the council for the area in which the land is situated; and
- (b) notices bearing the warning "POISON LAID ON THIS PROPERTY" (in capital letters not less than 55 millimetres in height, in red on a white background) must be continuously displayed on the land in conspicuous positions at the points at which other persons are most likely to enter the land, for a period commencing not less than 21 days before, and expiring not less than 14 days after, the poison is laid.

8—Guard dogs

- (1) Where a guard dog is kept at premises for the purpose of guarding or protecting a person or property at those premises, the person in whose name the dog is individually registered or, if the dog is used in a business registered under the Act, the owner or operator of the business must—
- (a) notify the council for the area in which the premises are situated of—
 - (i) the address of the premises; and
 - (ii) the times and periods during which the dog will be kept at the premises for that purpose; and
 - (iii) a telephone number on which a person who is responsible for the control of the dog can be contacted at any time in relation to the dog; and
 - (b) ensure that there is displayed in a conspicuous position at the premises at all times while the dog is at the premises for that purpose a telephone number on which a person who is responsible for control of the dog can be contacted at any time in relation to the dog.

Penalty: Division 10 fine.

Expiation fee: Division 10 fee.

- (2) Notice under subregulation (1)(a)—
- (a) must be given orally or in writing within 24 hours after the dog is first kept at premises as referred to in that subregulation; and
 - (b) if given orally, must be confirmed in writing within 48 hours after the dog is first kept at premises as referred to in that subregulation.

Part 3—Cat management

9—Identification of cats

For the purposes of the Act, a cat will be taken to be identified if—

- (a) the cat has a collar around its neck and the collar, or a tag securely attached to the collar, is marked with the current address or telephone number of the owner or other person entitled to possession of the cat; or

- (b) the cat has a microchip implanted in its body containing information that may be used to obtain the current address or telephone number of the owner or other person entitled to possession of the cat and has the letter M tattooed on the inside of either of its ears.

10—Offences related to marking of cats

- (1) A person must not tattoo, or cause to be tattooed, a letter M on the inside of a cat's ear unless the cat has a microchip implanted in its body containing information that may be used to obtain the current address or telephone number of the owner or other person entitled to possession of the cat.

Penalty: Division 7 fine.

- (2) A person must not mark a cat's ear, or cause a cat's ear to be marked, in a manner likely to be mistaken for a letter M tattooed on the inside of the ear.

Penalty: Division 7 fine.

11—Certain bodies may receive and dispose of unidentified cats

For the purposes of section 76(e)(iii)(C) and (g)(iii) of the Act, the *South East Animal Welfare League* is specified as the operator of a facility to which unidentified cats may be delivered and on whose behalf unidentified cats may be detained, destroyed or otherwise disposed of.

Schedule 1—Councils contributing 20% dog registration fees to Fund

Corporation of the City of Adelaide
City of Brighton
City of Burnside
Corporation of the City of Campbelltown
District Council of East Torrens
Corporation of the City of Elizabeth
Corporation of the City of Enfield
Corporation of the Town of Gawler
Corporation of the City of Glenelg
Corporation of the City of Happy Valley
City of Henley and Grange
City of Hindmarsh and Woodville
Corporation of the City of Kensington and Norwood
Corporation of the City of Marion
City of Mitcham
City of Munno Para
Corporation of the City of Noarlunga
Corporation of the City of Payneham
Corporation of the City of Port Adelaide
City of Prospect
Corporation of the Town of St. Peters
City of Salisbury
District Council of Stirling
Corporation of the City of Tea Tree Gully
Corporation of the Town of Thebarton

Corporation of the City of Unley
Corporation of the Town of Walkerville
Corporation of the City of West Torrens
District Council of Willunga

Schedule 2—Fees

		Fee if dog not desexed	Fee if dog desexed
1	For individual registration, or renewal of individual registration, of a dog the fee payable is the lowest of the following applying in the circumstances:		
	(a) if the dog is a guide dog or a dog being trained as a guide dog	no fee	no fee
	(b) if the dog is used in a therapeutic program by a body providing health services or services to the aged	no fee	no fee
	(c) if the dog has been registered in a different council area, or in another State or a Territory of the Commonwealth under a corresponding law, immediately prior to registration in the new area	\$2.00	\$2.00
	(d) if the dog is used principally for droving or tending of stock	\$5.00	\$2.50
	(e) if the dog is owned by a prescribed person (A prescribed person who owns more than two dogs is liable to pay the fee set out in paragraph (g) for registration or renewal of registration of each dog after the first two.)	\$10.00	\$5.00
	(f) if the dog is a greyhound that is registered with the <i>South Australian Greyhound Racing Board</i>	\$10.00	—
	(g) in any other case	\$20.00	\$10.00
*	If individual registration of a dog is effected between 1 January and the following 30 June in any year and the dog was less than 3 months of age on that 1 January the registration fee is 50% of the fee otherwise payable.		
		Fee if dog not desexed	Fee if dog desexed
2	For registration, or renewal of registration, of a business consisting of or involving a kennel at which dogs are bred or trained or the provision of security or other services involving the use of dogs:		
	(a) if the dogs are guide dogs or dogs being trained as guide dogs or dogs used in therapeutic programs by a body providing health services or services to the aged	no fee	no fee
	(b) if the dogs are greyhounds	\$10.00	—
		x the number determined in accordance with the principles set out below	
	(c) if the dogs are used principally for droving or tending of stock	\$5.00	\$2.50
		x the number determined in accordance with the principles set out below	

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|-----------------------|---|---------|
| (d) in any other case | \$20.00 | \$10.00 |
| | x the number determined in accordance with the principles set out below | |

Principles for determining number:

- (a) The number to be used for determining the fee payable is the maximum number of dogs that it is intended will be kept or used in connection with the business at any one time during the period of registration.
- (b) However—
 - (i) if the business is subject to a development authorisation or other licence, permit or authorisation issued under the law of the State limiting the number of dogs that may be kept or used in connection with the business, that limit is the number to be used; and
 - (ii) in the case of a renewal of registration, the number used must not be less than the number used in relation to the immediately preceding period of registration or the maximum number of dogs kept or used in connection with the business at any one time during the immediately preceding period of registration (whichever is the greater),

unless the Registrar is satisfied that it is just in the circumstances to use a lesser number.

		Fee
3	For seizure and detention of a dog:	
	(a) for the initial seizure and detention	\$30.00
	plus	
	(b) for each 24 hours or part of 24 hours during which the dog is detained at a facility for the detention of dogs	\$10.00

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
1995	118	<i>Gazette 15.6.1995 p2861</i>	1.7.1995: r 2
2004	136	<i>Gazette 17.6.2004 p2242</i>	1.7.2004: r 2

Appendix—Divisional penalties and expiation fees

At the date of publication of this reprint divisional penalties and expiation fees are, as provided by section 28A of the *Acts Interpretation Act 1915*, as follows:

Division	Maximum imprisonment	Maximum fine	Expiation fee
1	15 years	\$60 000	—
2	10 years	\$40 000	—
3	7 years	\$30 000	—
4	4 years	\$15 000	—
5	2 years	\$8 000	—
6	1 year	\$4 000	\$300
7	6 months	\$2 000	\$200
8	3 months	\$1 000	\$150
9	—	\$500	\$100
10	—	\$200	\$75
11	—	\$100	\$50
12	—	\$50	\$25

Note: This appendix is provided for convenience of reference only.