

**Legislative Council—No 291**

As introduced and read a first time, 29 November 2017

South Australia

**Statutes Amendment (Animal Welfare Reforms)  
Bill 2017**

A BILL FOR

An Act to amend the *Animal Welfare Act 1985* and the *Dog and Cat Management Act 1995*.

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## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

### Part 2—Amendment of *Animal Welfare Act 1985*

- 4 Insertion of Part s3A and 3B

#### Part 3A—Animal shelters and animal rescue organisations

##### Division 1—Preliminary

- 15B Interpretation
- 15C Application of Part
- 15D Interaction with other Acts
- 15E Objects and principles

##### Division 2—Code of practice

- 15F Code of practice
- 15G Offence to contravene code of practice

##### Division 3—Licence to operate animal shelters etc

- 15H Minister may grant animal shelter licence
- 15I Revocation and suspension of animal shelter licence
- 15J Offence to operate animal shelter without licence

##### Division 4—Licence to operate animal rescue organisation

- 15K Minister may grant animal rescue organisation licence
- 15L Revocation and suspension of animal rescue organisation licence
- 15M Offence to operate animal rescue organisation without licence

##### Division 5—Desexing and microchipping animals in licensed animal shelters etc

- 15N Certain bodies may microchip and desex detained dogs and cats

##### Division 6—Euthanasia of animals in licensed animal shelter etc

- 15O Euthanasia of animals in licensed animal shelters etc

##### Division 7—Enforcement of Part

- 15P Inspectors for purposes of Part

##### Division 8—Reporting

- 15Q Licence holders to report to Minister

##### Division 9—Review of Minister's decisions

- 15R Review of Minister's decisions by South Australian Civil and Administrative Tribunal

##### Division 10—Miscellaneous

- 15S Offence to hold out as being licensed
- 15T Exemptions
- 15U General defence

#### Part 3B—Euthanasia of animals

- 15V Euthanasia of animals to comply with guidelines

- 5 Amendment of section 31C—Dealing with seized animals and objects

- 6 Amendment of section 32A—Court orders on finding of guilt etc

- 7 Insertion of section 42AA

- 42AA Animals that are evidence

- 8 Substitution of section 43

- 43 Act does not render unlawful practices that are in accordance with prescribed code of animal husbandry practice

### Part 3—Amendment of *Dog and Cat Management Act 1995*

- 9 Amendment of section 4—Interpretation  
 10 Amendment of section 33—Dogs must be registered  
 11 Amendment of section 59A—Prohibition orders  
 12 Amendment of section 61—Procedure following seizure of dog  
 13 Amendment of section 62—Rehousing or other disposal of seized dog  
 14 Insertion of section 42AA  
     42AA Animals that are evidence  
 15 Insertion of section 42AA  
     42AA Animals that are evidence  
 16 Repeal of section 63  
 17 Amendment of section 64—Power to seize and detain cats  
 18 Amendment of section 64A—Rehousing or other disposal of seized cat  
 19 Amendment of section 64D—Notification to owner of dog or cat seized etc under Part  
 20 Insertion of Part 5B

#### Part 5B—Special provisions relating to greyhound racing industry

- 64G Interpretation  
 64H Greyhound Racing SA to provide certain reports and information  
 64I Freedom of Information Act to apply to Greyhound Racing SA  
 21 Amendment of section 70—Area limitation on cat management officers  
 22 Amendment of section 72—Reserves and wilderness  
 23 Amendment of section 73—Sanctuaries and other designated areas  
 24 Amendment of section 74—Remote areas  
 25 Amendment of section 75—Notification to owner of identified cat  
 26 Amendment of section 76—Other areas  
 27 Insertion of section 88AA  
     88AA Animals that are evidence  
 28 Amendment of section 91—Regulations

## The Parliament of South Australia enacts as follows:

### Part 1—Preliminary

#### 1—Short title

This Act may be cited as the *Statutes Amendment (Animal Welfare Reforms) Act 2017*.

#### 5 2—Commencement

This Act will come into operation 6 months after the day on which it is assented to by the Governor.

#### 3—Amendment provisions

10 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

## Part 2—Amendment of *Animal Welfare Act 1985*

### 4—Insertion of Part s3A and 3B

After section 27 insert:

## Part 3A—Animal shelters and animal rescue organisations

### Division 1—Preliminary

#### 15B—Interpretation

In this Part, unless the contrary intention appears—

***animal rescue organisation*** means a person or body that provides services consisting of or including the rescue, saving or rehousing of stray, abandoned, ill-treated, injured, sick or surrendered animals (however described) but does not include a person or body declared by the regulations not to be included in the ambit of this definition;

***animal shelter*** means a facility at which permanent or temporary shelter is provided for stray, abandoned, ill-treated, injured, sick or surrendered animals (not being an animal owned by the operator of the animal shelter) but does not include a facility of a kind declared by the regulations not to be included in the ambit of this definition;

***cat*** means an animal of the species *felis catus*;

***code of practice*** means the code of practice established under section 15F, as in force from time to time;

***dog*** means an animal of the species *canis familiaris*;

***feral dog or cat*** means a dog or cat living in an undomesticated state;

***holding period***, for an animal in a licensed animal shelter or held by a licensed animal rescue organisation, means the period of 7 days commencing on the day after the animal came into the possession of the shelter or organisation;

***licence***, in relation to an animal shelter or animal rescue organisation, means a licence under this Part (and ***licensed*** has a corresponding meaning).

#### 15C—Application of Part

This Part does not apply in relation to—

- (a) dingos; or
- (b) feral dogs or cats; or
- (c) animals of a kind prescribed by the regulations.

### 15D—Interaction with other Acts

- (1) This Part is in addition to, and does not derogate from, the *Dog and Cat Management Act 1995*.
- (2) This Part is in addition to, and does not derogate from, Part 5 of the *National Parks and Wildlife Act 1972*.
- (3) Nothing in this Part limits the operation of Chapter 8 of the *Natural Resources Management Act 2004*.

### 15E—Objects and principles

- (1) The objects of this Part include—
  - (a) preventing, as far as is reasonably practicable, the killing of stray, abandoned, ill-treated, injured, sick or surrendered animals; and
  - (b) encouraging the rehousing of stray, abandoned, ill-treated, injured, sick or surrendered animals; and
  - (c) ensuring that, in the cases where animals must be killed, it is done in a way that is humane and compassionate; and
  - (d) developing a code of practice that further these objects.
- (2) The following principles apply in relation to the operation of this Part:
  - (a) no animal should be killed if the animal can be placed in a suitable home;
  - (b) animals in animal shelters require proper care, nutrition and shelter;
  - (c) animal shelters and other persons involved with stray, abandoned, ill-treated, injured, sick or surrendered animals should make every effort, and be supported, to provide every animal in their custody with individual consideration and care.

### Division 2—Code of practice

#### 15F—Code of practice

- (1) The Governor may, on the recommendation of the Minister, make regulations establishing a code of practice for the purposes of this Part.
- (2) Without limiting any other matters that may be included in the code of practice, the code of practice must contain the following provisions:
  - (a) a provision requiring that animals not be killed if they can practicably be taken to an animal shelter or animal rescue organisation that can take possession of, or rehouse, them;

(b) provisions setting out the minimum standard of care to be provided at animal shelters and by animal rescue organisations;

(c) provisions setting out how native animals are to be dealt with on being surrendered to an animal shelter or rescued by an animal rescue organisation.

(3) Before making a recommendation for the purposes of subsection (1), the Minister—

(a) must consult with the prescribed bodies; and

(b) must call for public submissions in accordance with a scheme determined by the regulations.

(4) The Minister must cause the code of practice to be reviewed at least once in each 5 year period.

### **15G—Offence to contravene code of practice**

A person who, in relation to the operation of an animal shelter or animal rescue organisation, contravenes a provision of the code of practice is guilty of an offence.

Maximum penalty: \$10 000.

## **Division 3—Licence to operate animal shelters etc**

### **15H—Minister may grant animal shelter licence**

(1) The Minister may, on application, grant a licence (an *animal shelter licence*) to a person authorising the person to operate an animal shelter.

(2) Each animal shelter licence is subject to a condition requiring the holder of the licence to comply with the code of practice.

(3) Without limiting subsection (2), an animal shelter licence may be granted subject to such conditions as the Minister thinks fit and specifies in the licence (including, without limiting the generality of this subsection, a condition limiting the number or kinds of animals that can be sheltered pursuant to the licence).

(4) An application for an animal shelter licence—

(a) must be made in a manner and form approved by the Minister; and

(b) must include such information as the Minister may reasonably require; and

(c) must be accompanied by the prescribed fee.

(5) In determining whether or not to grant an animal shelter licence, the Minister must have regard to—

(a) the suitability of the applicant to be granted the licence; and

- (b) the adequacy of the applicant's premises and facilities for the care and handling of animals of the relevant kinds; and
- (c) such other matters as may be prescribed by the regulations, and may have regard to any other matter that the Minister thinks relevant.

5 (6) The Minister may, by notice in writing, vary or revoke a condition of, or impose further conditions on, an animal shelter licence for any reason the Minister thinks fit.

10 (7) An animal shelter licence remains in force until it is—

- (a) revoked by the Minister; or
- (b) surrendered by the holder of the licence.

### **15I—Revocation and suspension of animal shelter licence**

(1) If the Minister is satisfied that the holder of an animal shelter licence—

- 15 (a) has been found guilty of an offence against this Act; or
- (b) has contravened the code of practice (whether or not the person has been convicted of an offence relating to the contravention); or
- (c) has failed to comply with a condition of the licence; or
- 20 (d) has failed to provide a report required under section 15Q; or
- (e) has obtained the licence improperly,

the Minister may, by notice in writing—

- (f) suspend the licence—
  - 25 (i) for a period specified in the notice; or
  - (ii) until the holder of the licence causes such action as may be specified in the notice to be taken to the satisfaction of the Minister; or
- 30 (g) allow the holder of the licence to continue to operate the animal shelter to which the licence relates subject to specified conditions (including conditions preventing further animals being received by the animal shelter, or requiring supervision of the operation of the animal shelter by a specified person or body); or
- (h) revoke the licence.

35 (2) The Minister may, by notice in writing, vary or revoke a condition imposed under subsection (1)(g) for any reason the Minister thinks fit.

(3) A person who contravenes a condition imposed under subsection (1)(g) is guilty of an offence.

40 Maximum penalty: \$10 000.

- (4) The Minister may, if he or she considers it appropriate to do so, by notice in writing, disqualify (either permanently or for a specified period) a person from holding or obtaining an animal shelter licence.

### **15J—Offence to operate animal shelter without licence**

5 A person must not operate an animal shelter unless the person holds an animal shelter licence in respect of animals of the relevant kind.  
Maximum penalty: \$10 000.

## **Division 4—Licence to operate animal rescue organisation**

### **15K—Minister may grant animal rescue organisation licence**

- 10 (1) The Minister may, on application, grant a licence (an *animal rescue organisation licence*) to a person authorising the person to operate an animal rescue organisation.
- 15 (2) Each animal rescue organisation licence is subject to a condition requiring the holder of the licence to comply with the code of practice.
- 20 (3) Without limiting subsection (2), an animal rescue organisation licence may be granted subject to such conditions as the Minister thinks fit and specifies in the licence (including, without limiting the generality of this subsection, a condition limiting the kinds of animals that can be rescued pursuant to the licence).
- (4) An application for an animal rescue organisation licence—
- 25 (a) must be made in a manner and form approved by the Minister; and
- (b) must include such information as the Minister may reasonably require; and
- (c) must be accompanied by the prescribed fee.
- (5) In determining whether or not to grant an animal rescue organisation licence, the Minister must have regard to—
- 30 (a) the suitability of the applicant to be granted the licence; and
- (b) the adequacy of the applicant's premises and facilities (if any) for the care and handling of animals of the relevant kinds; and
- (c) such other matters as may be prescribed by the regulations, and may have regard to any other matter that the Minister thinks
- 35 relevant.
- (6) The Minister may, by notice in writing, vary or revoke a condition of, or impose further conditions on, an animal rescue organisation licence for any reason the Minister thinks fit.
- 40 (7) An animal rescue organisation licence remains in force until it is—
- (a) revoked by the Minister; or



- (b) surrendered by the holder of the licence.

**15L—Revocation and suspension of animal rescue organisation licence**

- 5 (1) If the Minister is satisfied that the holder of an animal rescue organisation licence—
- (a) has been found guilty of an offence against this Act; or
- (b) has contravened the code of practice (whether or not the person has been convicted of an offence relating to the contravention); or
- 10 (c) has failed to comply with a condition of the licence; or
- (d) has failed to provide a report required under section 15Q; or
- (e) has obtained the licence improperly,
- the Minister may, by notice in writing—
- (f) suspend the licence—
- 15 (i) for a period specified in the notice; or
- (ii) until the holder of the licence causes such action as may be specified in the notice to be taken to the satisfaction of the Minister; or
- 20 (g) allow the holder of the licence to continue to operate the animal rescue organisation to which the licence relates subject to specified conditions (including conditions preventing further animals being rescued by the organisation, or requiring supervision of the operation of the organisation by a specified person or body); or
- 25 (h) revoke the licence.
- (2) The Minister may, by notice in writing, vary or revoke a condition imposed under subsection (1)(g) for any reason the Minister thinks fit.
- (3) A person who contravenes a condition imposed under subsection (1)(g) is guilty of an offence.
- 30 Maximum penalty: \$10 000.
- (4) The Minister may, if he or she considers it appropriate to do so, by notice in writing, disqualify (either permanently or for a specified period) a person from holding or obtaining an animal rescue
- 35 organisation licence.

**15M—Offence to operate animal rescue organisation without licence**

A person must not operate an animal rescue organisation unless the person holds an animal rescue organisation licence.

40 Maximum penalty: \$10 000.

## **Division 5—Desexing and microchipping animals in licensed animal shelters etc**

### **15N—Certain bodies may microchip and desex detained dogs and cats**

- 5 (1) Despite any other provision of this Act, or any other Act or law, a licensed animal shelter or licensed animal rescue organisation detaining a dog or cat seized under this or any other Act may, in accordance with the code of practice, do 1 or more of the following:
- 10 (a) microchip the dog or cat;
- (b) desex the dog or cat;
- (c) cause the dog or cat to be microchipped or desexed or both.
- (2) A licensed animal shelter or licensed animal rescue organisation may recover the cost of taking action under this section as a debt from the owner of the dog or cat.

## **Division 6—Euthanasia of animals in licensed animal shelter etc**

### **15O—Euthanasia of animals in licensed animal shelters etc**

- 20 (1) The following provisions apply in relation to the killing of animals held in a licensed animal shelter or held by a licensed animal rescue organisation:
- 25 (a) an animal must not be killed—
- (i) if there are cages, kennels or other areas in which the animal can live that are reasonably available in the animal shelter or to the animal rescue organisation (including, where appropriate, areas shared with another animal); or
- (ii) during the holding period for the animal;
- (b) an animal must not be killed unless—
- 30 (i) a foster home cannot be found within the period specified in the code of practice; and
- (ii) the operator of the animal shelter or animal rescue organisation has, in accordance with the code of practice, offered the animal to other animal shelters or animal rescue organisations that are willing to take possession of animals in such circumstances; and
- 35 (iii) the operator of the animal shelter or animal rescue organisation has complied with any other requirement set out in the regulations or the code of practice; and
- 40

- 5
- (iv) the operator of the animal shelter or animal rescue organisation has certified, in accordance with the regulations, that there was no reasonable alternative to killing the animal in the circumstances;
- (c) an animal may only be killed—
- 10
- (i) in the case of infant animals, companion animals other than dogs or cats or comatose animals with depressed vascular function (being animals for whom intravenous injection is not possible)—by intraperitoneal injection of sodium pentobarbital administered by a licensed veterinarian; or
- 15
- (ii) in the case of unconscious or comatose animals—by intracardiac injection of sodium pentobarbital administered by a licensed veterinarian; or
- (iii) in any case—by intravenous injection of sodium pentobarbital;
- (d) an animal must be sedated before being killed so as to minimise stress or discomfort or, in the case of vicious animals, to ensure staff safety (however, neuromuscular blocking agents must not be used);
- 20
- (e) following the administration of an injection, an animal must be lowered to the surface on which they are being held and must not be permitted to drop or otherwise collapse without support;
- 25
- (f) an animal must not be left unattended between the time procedures to kill the animal are commenced and the time death occurs;
- (g) an animal's body must not be disposed of before death is verified in accordance with this section;
- 30
- (h) an animal must not be allowed to witness any other animal being killed, or being sedated for the purpose of being killed;
- (i) an animal must not be allowed to see the bodies of animals that have been killed.
- 35
- (2) Subsection (1)(a) and (b) do not apply in the following circumstances:
- 40
- (a) the killing of an animal that has been certified by a veterinary surgeon as experiencing irremediable physical suffering;
- (b) the killing of an animal pursuant to a destruction order under Part 5 of the *Dog and Cat Management Act 1995*;
- (c) the killing of an animal pursuant to an order of a court.

- (3) A person who, without reasonable excuse, contravenes subsection (1) is guilty of an offence.

Maximum penalty: \$20 000 or imprisonment for 2 years.

- (4) For the purposes of this section, the death of an animal must be verified in each of the following ways:

- (a) by lack of heartbeat, verified by a stethoscope;  
(b) by lack of respiration, verified by observation;  
(c) by pale, bluish gums and tongue, verified by observation;  
(d) by lack of eye response, verified if lid does not blink when eye is touched and pupil remains dilated when a light is shined on it.

- (5) To avoid doubt, this section does not authorise the killing of an animal held in an animal shelter or by an animal rescue organisation merely because the holding period for the animal has elapsed.

- (6) Nothing in this section limits the operation of section 34B.

- (7) In this section—

***irremediable physical suffering*** means an animal who has a poor or grave prognosis for being able to live without severe, unremitting pain even with comprehensive, prompt, and necessary veterinary care.

## **Division 7—Enforcement of Part**

### **15P—Inspectors for purposes of Part**

- (1) The following persons are inspectors for the purposes of this Part:

- (a) wardens under the *National Parks and Wildlife Act 1972*;  
(b) such other persons as may be appointed by the Minister to be an inspector for the purposes of this Part.

- (2) An inspector appointed under section 28 will be taken not to be an inspector for the purposes of this Part (however, the remaining provisions of Part 5 apply to an inspector as if the inspector were appointed under section 28).

- (3) An appointment under subsection (1)(b) may be made subject to conditions specified in the instrument of appointment.

- (4) The Minister may, at any time, revoke an appointment under subsection (1)(b) or vary, revoke or add a condition of an appointment.

- (5) An inspector must, while acting as such, carry an identity card issued by the Minister or, if the inspector is a police officer, the officer's warrant card, and the inspector must produce the card for inspection by the person against whom the inspector proposes to exercise a power under this Act or the *National Parks and Wildlife Act 1972*.

## Division 8—Reporting

### 15Q—Licence holders to report to Minister

- 5 (1) The holder of a licence under this Part must, on or before 30  
September in each year, prepare and submit a written report to the  
Minister setting out the following information relating to the  
preceding financial year:
- (a) in the case of the holder of an animal shelter licence—the  
number of animals for which shelter was provided pursuant  
to the licence;
- 10 (b) in the case of the holder of an animal rescue organisation  
licence—the number of animals to which services were  
provided pursuant to the licence;
- (c) in any case—
- 15 (i) the number of animals killed by or on behalf of the  
licence holder; and
- (ii) the number of animals returned to their owners; and
- (iii) the number of animals adopted or rehoused; and
- (iv) the number of animals transferred to other animal  
shelters or animal rescue organisations; and
- 20 (v) the number of animals in the care of the licence  
holder on 31 July of that year; and
- (vi) any other information required by the regulations or  
under the code of practice.
- 25 (2) The holder of a licence under this Part must allow inspection  
(without charge) of a report under subsection (1) by members of the  
public.
- (3) The Minister must, as soon as is reasonably practicable after  
receiving a report under subsection (1), cause a copy of the report to  
be published on a website determined by the Minister.

## 30 Division 9—Review of Minister's decisions

### 15R—Review of Minister's decisions by South Australian Civil and Administrative Tribunal

- 35 (1) The South Australian Civil and Administrative Tribunal is, by force  
of this section, conferred with jurisdiction to deal with matters  
consisting of the review of a decision of the Minister under this Part.
- (2) An application for review of a decision of the Minister under this  
Part may be made to the South Australian Civil and Administrative  
Tribunal within 1 month after the applicant receives notice of the  
relevant decision (or such longer period as the Tribunal may allow).

- (3) However, the South Australian Civil and Administrative Tribunal may only allow an extension of time under subsection (2) if satisfied that—
- (a) special circumstances exist; and
  - (b) another party will not be unreasonably disadvantaged because of the delay in commencing the proceedings.

## **Division 10—Miscellaneous**

### **15S—Offence to hold out as being licensed**

- (1) A person must not hold himself or herself out as holding a license to operate an animal shelter or animal rescue organisation unless the person is in fact so licensed.  
Maximum penalty: \$10 000.
- (2) A person must not hold himself or herself out as holding an animal shelter licence or animal rescue organisation licence that authorises them to deal with a particular kind of animal unless the person is in fact so authorised.  
Maximum penalty: \$10 000.

### **15T—Exemptions**

- (1) The Minister may, on application or on his or her own motion, exempt a specified person from this Part, or specified provisions of this Part.
- (2) Subject to this section, an exemption—
- (a) must be in writing; and
  - (b) may be conditional or unconditional; and
  - (c) has effect for the period specified in the exemption.
- (3) The Minister—
- (a) must, unless the Minister is satisfied that good reasons exist for not doing so, by notice in writing, revoke an exemption of a person if the person—
    - (i) has been found guilty of an offence against this Act; or
    - (ii) has obtained the exemption improperly; or
    - (iii) has failed to comply with a condition of the exemption; and
  - (b) may, by notice in writing, vary or revoke an exemption for any other reason the Minister thinks fit.

- (4) An application for an exemption, or for the variation of an exemption—
- (a) must be made in a manner and form determined by the Minister; and
  - (b) must include such information as the Minister may reasonably require; and
  - (c) must be accompanied by the prescribed fee.

### **15U—General defence**

It is a defence to a charge of an offence against this Part if the defendant proves that the alleged offence was not committed intentionally and did not result from any failure on the part of the defendant to take reasonable care to avoid the commission of the offence.

## **Part 3B—Euthanasia of animals**

### **15V—Euthanasia of animals to comply with guidelines**

- (1) The Minister must publish guidelines in relation to the administration of euthanasia to animals in this State.
- (2) The guidelines must contain—
  - (a) provisions setting out the circumstances in which euthanasia may be administered to an animal; and
  - (b) provisions setting out the persons who may administer euthanasia to an animal; and
  - (c) provisions setting out the methods by which euthanasia may be administered to an animal; and
  - (d) provisions prohibiting the use of gas chambers, and any other method prescribed by the regulations, in the administration of euthanasia to an animal; and
  - (e) any other provisions required by the regulations, and may contain any other provisions the Minister thinks fit.
- (3) A person who administers euthanasia to an animal in contravention of the guidelines is guilty of an offence.  
Maximum penalty: \$20 000.
- (4) However, subsection (3) does not apply to—
  - (a) a person, or a person of a class, prescribed by the regulations; or
  - (b) the euthanasia of an animal in circumstances prescribed by the regulations.

## 5—Amendment of section 31C—Dealing with seized animals and objects

Section 31C—after subsection (3) insert:

- 5 (3a) To avoid doubt, section 15O (other than subsection (1)(a) and (b)) applies in relation to the destruction of an animal under subsection (1) or (2).

## 6—Amendment of section 32A—Court orders on finding of guilt etc

Section 32A—after subsection (3) insert:

- 10 (4) To avoid doubt, section 15O (other than subsection (1)(a) and (b)) applies in relation to the destruction of an animal under subsection (3).

## 7—Insertion of section 42AA

After section 42 insert:

### 42AA—Animals that are evidence

15 Despite any other Act or law, the admissibility of, or weight to be given to, evidence of an offence against this Act consisting of a live animal is not affected by the fact that the animal is sold, rehoused or otherwise disposed of under this or any other Act.

## 8—Substitution of section 43

Section 43—delete the section and substitute:

### 43—Act does not render unlawful practices that are in accordance with prescribed code of animal husbandry practice

- 20 (1) Subject to this section, nothing in this Act renders unlawful anything done in accordance with a prescribed code of practice relating to animals.
- 25 (2) This section does not apply in relation to the operation of animal shelters or animal rescue organisations in accordance with a prescribed code of practice to the extent that the code permits an animal shelter or animal rescue organisation to operate in contravention of Part 3A.
- 30 (3) This section does not apply in relation to the euthanasia of animals in accordance with a prescribed code of practice to the extent that the code permits euthanasia to be administered to animals in contravention of the guidelines under Part 3B.
- 35 (4) In this section—  
*animal rescue organisation* and *animal shelter* have the same meanings as in Part 3A.





#### 14—Insertion of section 42AA

After section 42 insert:

##### 42AA—Animals that are evidence

5           Despite any other Act or law, the admissibility of, or weight to be given to, evidence of an offence against this Act consisting of a live animal is not affected by the fact that the animal is sold, rehoused or otherwise disposed of under this or any other Act.

#### 15—Insertion of section 42AA

After section 42 insert:

##### 42AA—Animals that are evidence

10           Despite any other Act or law, the admissibility of, or weight to be given to, evidence of an offence against this Act consisting of a live animal is not affected by the fact that the animal is sold, rehoused or otherwise disposed of under this or any other Act.

#### 16—Repeal of section 63

Section 63—delete the section

#### 17—Amendment of section 64—Power to seize and detain cats

(1) Section 64(1)(a) and (b)—delete paragraphs (a) and (b) and substitute:

- 20           (a) if the person is a warden 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*);
- 25           (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;
- (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;
- 30           (d) if the cat is unidentified and—
- (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
- 35                   (ii) the person is an authorised officer under the *Natural Resources Management Act 2004* and—
- (A) the cat is found by a State authorised officer under that Act; or
- 40                           (B) the cat is found by a regional authorised officer under that Act in the region in which the regional authorised officer is authorised to act; or

- (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
- (iv) the person is a registered veterinary surgeon acting in the ordinary course of his or her profession; or
- (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:
- (A) the Royal Society for the Prevention of Cruelty to Animals (South Australia) Incorporated;
  - (B) the Animal Welfare League of South Australia, Incorporated;
  - (C) a body or person specified by the regulations; or
- (e) any other circumstances set out in the regulations.

**18—Amendment of section 64A—Rehousing or other disposal of seized cat**

- (1) Section 64A(1)—delete "destroyed or otherwise disposed of" and substitute:

sold or otherwise rehoused in accordance with the code of practice under Part 3A Division 2 of the *Animal Welfare Act 1985*

- (2) Section 64A—after subsection (1) insert:

(1a) Subject to Part 3A of the *Animal Welfare Act 1985*, the operator of an animal shelter or facility at which a cat is detained under this Part may cause the cat to be destroyed in accordance with the code of practice under Part 3A Division 2 of that Act.

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

- (1) Section 64D(1)—delete "destroys, injures,"
- (2) Section 64D(2)(a)—delete "destroying, injuring,"

**20—Insertion of Part 5B**

After section 64F insert:

**Part 5B—Special provisions relating to greyhound racing industry**

**64G—Interpretation**

In this Part—

*Greyhound Racing SA* means Greyhound Racing SA Limited (and includes any person or body who succeeds Greyhound Racing SA, or who otherwise is the controlling body for greyhound racing in the State, should Greyhound Racing SA be dissolved or otherwise cease to exist);

*registered* means registered (however described) with Greyhound Racing SA in accordance with the Greyhounds Australasia rules.

**64H—Greyhound Racing SA to provide certain reports and information**

5 (1) Greyhound Racing SA must, on or before 30 September in every year, forward to the Minister a report containing the information required by subsection (2) for the preceding financial year.

Maximum penalty: \$20 000.

(2) The report must contain—

10 (a) information setting out the number of greyhounds registered in the relevant financial year; and

(b) information setting out the number of registered greyhounds destroyed in this State in the relevant financial year; and

15 (c) information setting out the approximate number of unregistered greyhounds destroyed in the relevant financial year; and

(d) information setting out the methods by which greyhounds were generally destroyed in the relevant financial year; and

20 (e) any other information required by or under the provisions of this Act or any other Act.

(3) The Minister must, within 6 sitting days after receiving a report under this section, cause a copy of the report to be laid before both Houses of Parliament.

25 (4) The Minister must, within 6 sitting days after receiving a report under this section, cause a copy of the report—

(a) to be provided to the Board; and

(b) to be published on a website determined by the Minister.

**64I—Freedom of Information Act to apply to Greyhound Racing SA**

30 For the purposes of the *Freedom of Information Act 1991*, Greyhound Racing SA will be taken to be an agency within the meaning of that Act.

**21—Amendment of section 70—Area limitation on cat management officers**

Section 70(2)(b)—delete "or destroying"

35 **22—Amendment of section 72—Reserves and wilderness**

(1) Section 72(1)—delete ", detain, destroy or otherwise dispose of" and substitute:  
or detain

(2) Section 72(2)—delete ", detain, destroy or otherwise dispose of" and substitute:  
or detain

(3) Section 72—after subsection (2) insert:

(3) A warden or other person who seizes or detains a cat under this section must deal with the cat in accordance with the code of practice under Part 3A Division 2 of the *Animal Welfare Act 1985*.

5 **23—Amendment of section 73—Sanctuaries and other designated areas**

(1) Section 73(1)—delete ", detain, destroy or otherwise dispose of" and substitute:  
or detain

(2) Section 73—after subsection (1) insert:

10 (1a) A person who seizes or detains a cat under this section must deal with the cat in accordance with the code of practice under Part 3A Division 2 of the *Animal Welfare Act 1985*.

**24—Amendment of section 74—Remote areas**

(1) Section 74—delete ", detain, destroy or otherwise dispose of" and substitute:  
or detain

15 (2) Section 72—after its present contents (now to be designated as subsection (1)) insert:

(2) A person who seizes or detains a cat under this section must deal with the cat in accordance with the code of practice under Part 3A Division 2 of the *Animal Welfare Act 1985*.

**25—Amendment of section 75—Notification to owner of identified cat**

20 Section 75—delete ", detains, destroys or disposes of" and substitute:  
or detains

**26—Amendment of section 76—Other areas**

(1) Section 76—delete ", detain, destroy or otherwise dispose of" and substitute:  
or detain

25 (2) Section 76(e)(iii)—delete subparagraph (iii) and substitute:

(iii) a licensed animal shelter or licensed animal rescue organisation;

(3) Section 76(e)—delete "(but the person is not authorised to destroy the cat);"

(4) Section 76(g)—delete ", destroys or otherwise disposes of the cat" and substitute:  
30 the cat, or sells or otherwise rehous the cat in accordance with the code of practice under Part 3A Division 2 of the *Animal Welfare Act 1985*,

(5) Section 76—after its present contents (now to be designated as subsection (1)) insert:

(2) A person who seizes or detains a cat under this section must deal with the cat in accordance with the code of practice under Part 3A Division 2 of the *Animal Welfare Act 1985*.

**27—Insertion of section 88AA**

After section 88 insert:

**88AA—Animals that are evidence**

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Despite any other Act or law, the admissibility of, or weight to be given to, evidence of an offence against this Act consisting of a live animal is not affected by the fact that the animal is sold, rehoused or otherwise disposed of under this or any other Act.

**28—Amendment of section 91—Regulations**

Section 91(2)(c)—delete "regulate the detention of dogs" and substitute:

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, in a manner that is consistent with the code of practice under Part 3A of the *Animal Welfare Act 1985*, the detention of dogs and cats