

South Australia

## **Dog and Cat Management Regulations 2017**

under the *Dog and Cat Management Act 1995*

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### **Contents**

1	Short title
2	Commencement
3	Interpretation
4	Identified and unidentified cats
5	Prescribed accreditation bodies
6	Payments into and out of Fund
7	Dogs held in custody of certain persons and bodies not required to be registered
8	Notifications to Registrar
9	Dogs to wear registration disc
10	Requirements relating to microchipping dogs and cats—section 42A of Act
11	Identification of dogs and cats
12	Requirements relating to desexing dogs and cats—section 42E of Act
13	Exemption from sections 42A, 42E and 70 of Act
14	Board may grant extension of certain time periods
15	Power to destroy cats
16	Power to seize and detain cats
17	Breeding of dogs and cats
18	Requirement that dog or cat be microchipped and desexed before sale—section 70 of Act
19	Information to be given to buyers
20	Guard dogs
21	Notification to owner of dog or cat
22	Fees and charges

### **Schedule 1—Revocation of *Dog and Cat Management Regulations 2010***

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#### **1—Short title**

These regulations may be cited as the *Dog and Cat Management Regulations 2017*.

#### **2—Commencement**

- (1) Subject to this regulation, these regulations come into operation on 1 July 2017.
- (2) Regulation 10 will come into operation on the day that section 42A of the Act (as enacted by the *Dog and Cat Management (Miscellaneous) Amendment Act 2016*) comes into operation.
- (3) Regulation 12 will come into operation on the day that section 42E of the Act (as enacted by the *Dog and Cat Management (Miscellaneous) Amendment Act 2016*) comes into operation.

- (4) Regulation 18 will come into operation on the day that section 70 of the Act (as enacted by the *Dog and Cat Management (Miscellaneous) Amendment Act 2016*) comes into operation.

### 3—Interpretation

In these regulations, unless the contrary intention appears—

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

*notice of extension*—see regulation 14(3);

*registered breeder* means a person registered as a breeder under Part 7 of the Act;

*registry* means a service provided by a person or body consisting of a database (whether electronic or otherwise)—

- (a) on which information relating to the identity of the owner of a dog or cat is able to be stored; and
- (b) from which that information is able to be extracted or otherwise accessed by members of the public.

### 4—Identified and unidentified cats

- (1) For the purposes of the definition of *identified cat* in section 4 of the Act, a cat is to be identified—
- (a) by being microchipped in accordance with section 42A of the Act; or
  - (b) by being identified in the manner referred to in section 42C(2) of the Act.
- (2) For the purposes of paragraph (c) of the definition of *unidentified cat* in section 4 of the Act, a cat is to be identified—
- (a) by being microchipped in accordance with section 42A of the Act; or
  - (b) by being identified in the manner referred to in section 42C(2) of the Act.

### 5—Prescribed accreditation bodies

For the purposes of section 21A(7) of the Act, the following persons or bodies are prescribed accreditation bodies:

- (a) Assistance Dogs Australia;
- (b) Righteous Pups Australia Inc;
- (c) Vision Australia;
- (d) Guide Dogs WA;
- (e) Guide Dogs Queensland;
- (f) Guide Dogs NSW/ACT;
- (g) Guide Dogs Victoria;
- (h) Guide Dogs Tasmania;
- (i) any other person or body prescribed by the Board for the purposes of this regulation.

## 6—Payments into and out of Fund

- (1) For the purposes of section 26(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 prescribed council—
    - (i) before 1 July 2018—20%;
    - (ii) on or after 1 July 2018—24%; or
  - (b) in any other case—
    - (i) before 1 July 2018—10%;
    - (ii) on or after 1 July 2018—12%.
- (2) The Board must pay to a council the following percentage of dog registration fees received directly by the Board in respect of dogs registered in the area of the council:
  - (a) in the case of a prescribed council—
    - (i) before 1 July 2018—80%;
    - (ii) on or after 1 July 2018—76%;
  - (b) in any other case—
    - (i) before 1 July 2018—90%;
    - (ii) on or after 1 July 2018—88%.
- (3) A payment to a council under subregulation (2)—
  - (a) is to be made from the Fund; and
  - (b) is to be applied by the council for the purposes of furthering the objects of the Act.
- (4) In this regulation—

***prescribed council*** means—

  - (a) Adelaide City Council;
  - (b) City of Burnside;
  - (c) Campbelltown City Council;
  - (d) City of Charles Sturt;
  - (e) Town of Gawler;
  - (f) City of Holdfast Bay;
  - (g) City of Marion;
  - (h) City of Mitcham;
  - (i) City of Norwood Payneham & St Peters;
  - (j) City of Onkaparinga;
  - (k) City of Playford;
  - (l) City of Port Adelaide Enfield;
  - (m) City of Prospect;

- (n) City of Salisbury;
- (o) City of Tea Tree Gully;
- (p) City of Unley;
- (q) Town of Walkerville;
- (r) City of West Torrens.

### **7—Dogs held in custody of certain persons and bodies not required to be registered**

For the purposes of section 33(5)(b)(iii) of the Act, the following persons and bodies are specified:

- (a) each animal welfare organisation;
- (b) a prescribed accreditation body under section 21A of the Act;
- (c) the holder of a licence under Part 4 of the *Animal Welfare Act 1985*;
- (d) a registered veterinary surgeon acting in that capacity.

### **8—Notifications to Registrar**

For the purposes of section 37(2)(c) of the Act, the following circumstances are specified:

- (a) the number of dogs kept on a property at which the registered business is carried on exceeds the maximum number of such dogs specified in the application for registration of the business under section 35 of the Act;
- (b) a dog trained or bred at the relevant kennel, or used in connection with the relevant business, is involved in an attack on a person or animal.

### **9—Dogs to wear registration disc**

- (1) The owner of a dog must ensure that, at all times while the dog is not effectively confined to premises of which the owner is the occupier, the dog wears a collar around its neck—
  - (a) in the case of a dog that is individually registered—to which the registration disc last issued for the dog is attached; or
  - (b) in the case of a dog usually kept at a kennel or used in connection with a business registered under the Act—which has marked on it, or on which a disc or tag is attached, the name and telephone number of the owner or operator of the business or other mark identifying the business as approved by the council of the area in which the business is registered.

Maximum penalty: \$5 000.

Expiation fee: \$170.

- (2) Subregulation (1) does not apply in relation to a dog—
  - (a) that is not required to be registered under the Act; or
  - (b) if the dog is suffering from injury, disease or sickness to the extent that the wearing of a collar would be injurious to the health of the dog; or

- (c) while the dog is under the effective control of a person by command, the dog being in close proximity to the person and—
  - (i) being used in the droving or tending of stock or going to or returning from a place where it will be, or has been, so used; or
  - (ii) being trained for, or participating in, an organised activity being a race, trial, class or show or in retrieving, hunting or other sporting exercise customarily involving the running of 1 or more dogs.

### **10—Requirements relating to microchipping dogs and cats—section 42A of Act**

- (1) For the purposes of section 42A(1) of the Act, a dog or cat is to be microchipped in accordance with the following requirements:
  - (a) the dog or cat must be microchipped before it is sold;
  - (b) without limiting paragraph (a), the dog or cat must in any event be microchipped—
    - (i) before it reaches 12 weeks of age; or
    - (ii) within 28 days after the owner takes possession of the dog or cat; or
    - (iii) if the owner of a dog or cat is granted an extension of time under regulation 14—before the day specified in the notice of extension by which the dog or cat must be microchipped; orwhichever is the later;
  - (c) the microchip—
    - (i) must conform to *AS 5018-2001 Electronic Animal Identification—National Coding Scheme* or *AS 5018-2001 Electronic Animal Identification—Radiofrequency Methods*; and
    - (ii) must record a unique identification number assigned to the microchip;
  - (d) the microchip must be implanted by—
    - (i) a registered veterinary surgeon; or
    - (ii) a person working under the direction or supervision of a registered veterinary surgeon; or
    - (iii) a person who holds a qualification, or who has undertaken training, approved by the Board for the purposes of this paragraph; or
    - (iv) a person authorised by the Board to implant microchips for the purposes of the Act;
  - (e) the microchip must be permanently implanted.
- (2) Pursuant to section 42A(5)(d) of the Act, a person or body, or dog or cat, of a class declared by the Board by notice in the Gazette to be exempt from the operation of section 42A of the Act is so exempt.

- (3) An owner of a dog or cat who is granted an extension of time under regulation 14 in respect of the operation of section 42A is exempt from the operation of that section during the period of the extension.
- (4) For the purposes of section 21B(3) of the Act, a person who microchips a dog or cat must provide to the Board such information as the Board may, by notice in the Gazette, require in relation to the microchipping.
- (5) Information required under subregulation (4) must be provided in the manner and form, and within the period, specified in the notice under that subregulation.
- (6) The owner of a dog or cat that is microchipped must, in a manner and form determined by the Board, notify the Board within 14 days of any change to the owner's name, residential address and telephone number.  
Maximum penalty: \$2 500.  
Expiation fee: \$170.
- (7) The owner of a dog or cat that is microchipped must, in a manner and form determined by the Board, provide the identification number of the microchip implanted in the dog or cat to the Registrar for the area in which the dog or cat is (or is to be) usually kept.  
Maximum penalty: \$2 500.  
Expiation fee: \$170.
- (8) For the purposes of section 42A of the Act, a dog or cat that is microchipped in another State or Territory, in accordance with the law of that State or Territory, will be taken to have been microchipped in accordance with the requirements set out in this regulation if the microchip—
  - (a) conforms to *AS 5018-2001 Electronic Animal Identification—National Coding Scheme* or *AS 5018-2001 Electronic Animal Identification—Radiofrequency Methods*; and
  - (b) records a unique identification number assigned to the microchip.

## **11—Identification of dogs and cats**

For the purposes of section 42C(1) of the Act, dogs or cats being trained for, or participating in, an organised activity being a race, trial, class or show or in retrieving, hunting or other sporting exercise customarily involving the running of 1 or more dogs or cats are declared to be excluded from the operation of that section.

## **12—Requirements relating to desexing dogs and cats—section 42E of Act**

- (1) For the purposes of section 42E of the Act, a dog or cat is to be desexed in accordance with the following requirements:
  - (a) the dog or cat must be desexed—
    - (i) before it is 6 months of age; or
    - (ii) within 28 days after the owner takes possession of the dog or cat; or
    - (iii) if the owner of a dog or cat is granted an extension of time under regulation 14—before the day specified in the notice of extension by which the dog or cat must be desexed,

whichever is the later;

- (b) the dog or cat must be desexed by a registered veterinary surgeon.
- (2) Pursuant to section 42E(4)(d) of the Act, but subject to subregulation (3), the following persons and bodies, and dogs and cats, are exempt from the operation of section 42E of the Act:
- (a) a greyhound that is registered with the controlling body in accordance with the rules of Greyhound Racing SA (not being a greyhound that has been retired from racing);
  - (b) a person who is a full member of Dogs SA (however, the exemption does not apply to or in relation to a cat owned by the person);
  - (c) a person who is a financial member of, and registered breeder with, the Feline Association of South Australia Inc (however, the exemption does not apply to or in relation to a dog owned by the person);
  - (d) a member of the governing council of the Cat Fancy of South Australia Inc (however, the exemption does not apply to or in relation to a dog owned by the person);
  - (e) a person or body, or dog or cat, of a class declared by the Board by notice in the Gazette to be exempt from the operation of section 42E of the Act.
- (3) The Board may, by notice in the Gazette or by notice in writing given to the owner of a dog or cat that is exempt under subregulation (2), impose conditions on an exemption under that subregulation.
- (4) If a person contravenes or fails to comply with a condition of an exemption, the exemption does not, while the contravention or non-compliance continues, operate in that person's favour.
- (5) The Board may vary or revoke a condition of an exemption.
- (6) An owner of a dog or cat who is granted an extension of time under regulation 14 in respect of the operation of section 42E is exempt from the operation of that section during the period of the extension.
- (7) For the purposes of section 42E of the Act, a dog or cat that is desexed in another State or Territory, in accordance with the law of that State or Territory, will be taken to have been desexed in accordance with the requirements set out in this regulation.
- (8) For the purposes of section 21B(3) of the Act, a person who desexes a dog or cat must provide to the Board such information as the Board may, by notice in the Gazette, require in relation to the desexing.
- (9) Information required under subregulation (8) must be provided in the manner and form, and within the period, specified in the notice under that subregulation.

### **13—Exemption from sections 42A, 42E and 70 of Act**

- (1) A registered veterinary surgeon may, by notice in writing, exempt the owner of a dog or cat from the operation of section 42A, 42E or 70 of the Act (or all of those sections).

- (2) However, a registered veterinary surgeon may only grant an exemption under this regulation if satisfied that to microchip or desex the dog or cat (as the case requires) would—
  - (a) pose an undue risk to the health of the dog or cat; or
  - (b) adversely affect the growth, development or wellbeing of the dog or cat.
- (3) A registered veterinary surgeon who contravenes subregulation (2) is guilty of an offence.  
Maximum penalty: \$5 000.
- (4) An exemption under this regulation remains in force—
  - (a) in the case of an exemption referred to in subregulation (2)(a)—for the period specified by the registered veterinary surgeon in the notice (which may, to avoid doubt, be an indefinite period); or
  - (b) in any case—for the period (not exceeding 18 months) specified by the registered veterinary surgeon in the notice.
- (5) A notice under subregulation (1) must—
  - (a) be in a form approved by the Board; and
  - (b) contain the information required by the Board for the purposes of this paragraph; and
  - (c) specify the period during which the exemption is in force,

(however, the validity of an exemption is not affected by non-compliance with this subregulation).
- (6) A registered veterinary surgeon must, as soon as is reasonably practicable after exempting a person under this regulation, provide the Board with such information as the Board may reasonably require relating to the exemption.
- (7) The Board, or the registered veterinary surgeon who issued a certificate of exemption, may, by notice in writing, vary or revoke an exemption if satisfied that the grounds on which the exemption was granted are no longer applicable to the relevant dog or cat.

#### **14—Board may grant extension of certain time periods**

- (1) The Board may, on application or on its own motion, extend, by such period as the Board thinks fit, 1 or both of the following:
  - (a) the period within which a specified dog or cat must be microchipped under section 42A of the Act;
  - (b) the period within which a specified dog or cat must be desexed under section 42E of the Act.
- (2) An extension—
  - (a) may be conditional or unconditional; and
  - (b) may be varied or revoked by the Board for any reason the Board thinks fit.
- (3) On extending a period under subregulation (1), the Board must issue to the owner of the dog or cat a notice in writing (a *notice of extension*)—
  - (a) identifying the person to whom the notice is issued; and



- (b) identifying the dog or cat to which the notice relates; and
- (c) specifying the date by which each dog or cat to which the notice relates must be microchipped or desexed or both (as the case requires).

### **15—Power to destroy cats**

For the purposes of section 63(1)(d)(v)(C) of the Act, a person or body approved by the Board is specified.

### **16—Power to seize and detain cats**

For the purposes of section 64(2)(b)(iii) of the Act, a person or body approved by the Board is specified.

### **17—Breeding of dogs and cats**

- (1) For the purposes of section 69 of the Act, a person will be taken to have bred a dog or cat if the person—
  - (a) provides semen or ova used to breed the dog or cat; or
  - (b) provides any assistance (however described) in the course of breeding the dog or cat; or
  - (c) provides facilities used in the course of breeding the dog or cat.
- (2) For the purposes of section 69 of the Act, a person will be taken to have bred a dog or cat if the person allows, or fails to take reasonable steps to prevent—
  - (a) a dog or cat owned by the person to impregnate another dog or cat; or
  - (b) a dog or cat owned by the person from being impregnated by another dog or cat,and that pregnancy results in the birth of the dog or cat.
- (3) Section 69(1) of the Act does not apply in relation to the sale of a dog or cat in circumstances contemplated by section 62(1) or 64A(1) of the Act.

### **18—Requirement that dog or cat be microchipped and desexed before sale—section 70 of Act**

- (1) For the purposes of section 70(1) of the Act, it is a requirement that a dog or cat be microchipped in accordance with regulation 10.
- (2) For the purposes of section 70(2) of the Act, it is a requirement that a dog or cat be desexed in accordance with regulation 12.
- (3) For the purposes of section 70 of the Act, a dog or cat that is microchipped or desexed in another State or Territory, in accordance with the law of that State or Territory, will be taken to have been microchipped or desexed (as the case requires) in accordance with the requirements set out in this regulation.
- (4) For the purposes of section 70(5) of the Act, the following circumstances are prescribed:
  - (a) in respect of the requirement under section 70(2) of the Act—the sale of a dog or cat from one registered breeder to another registered breeder;

- (b) the sale of greyhounds that are, or are to be, registered with the controlling body in accordance with the rules of Greyhound Racing SA (not being a greyhound that has been retired from racing);
- (c) the sale of a dog or cat that is not to be kept in this State;
- (d) the sale of a dog or cat in circumstances specified by the Board by notice in the Gazette.

### **19—Information to be given to buyers**

- (1) For the purposes of section 71(1)(a) of the Act, the required information is the name, address and telephone number of the seller.
- (2) For the purposes of section 71(1)(b) of the Act, the required information is—
  - (a) the name, address and telephone number of each breeder; and
  - (b) if a breeder is a registered breeder—the identification number issued to the breeder by the Board.
- (3) For the purposes of section 71(1)(c) of the Act, the required information is—
  - (a) a statement setting out whether or not the dog or cat has been vaccinated and, if so, which vaccinations were administered; and
  - (b) a statement setting out whether or not the dog or cat has been desexed and, if it has, the following information:
    - (i) the name and business address of the registered veterinary surgeon who desexed the dog or cat;
    - (ii) the date on which the dog or cat was desexed;
    - (iii) the age of the dog or cat at the time it was desexed;
    - (iv) the nature of the desexing procedure; and
  - (c) information specifying any other veterinary treatment the dog or cat has received.
- (4) For the purposes of section 71(1)(d) of the Act, the required information is a statement setting out whether or not the dog or cat has been microchipped and, if it has, the following information:
  - (a) the name and address of the person who microchipped the dog or cat;
  - (b) the date on which the dog or cat was microchipped;
  - (c) the microchip number;
  - (d) the registry or registries in which information in respect of the dog or cat is stored.
- (5) For the purposes of section 71(1)(e) of the Act, the required information is—
  - (a) if an exemption has been granted under regulation 13 in relation to the dog or cat—details of the exemption; and
  - (b) if an extension of time has been granted under regulation 14 in relation to the dog or cat—details of the extension; and

- (c) details of any illness or medical condition from which the dog or cat is known to be suffering; and
  - (d) in the case of a dog subject to a control order under section 50 of the Act—details of the order; and
  - (e) any other information required by the Board by notice in the Gazette.
- (6) For the purposes of section 71(2)(a) of the Act, the required information is the name and telephone number of the seller.
- (7) For the purposes of section 71(2)(b) of the Act, the required information is—
  - (a) the name and telephone number of each breeder; and
  - (b) if a breeder is a registered breeder—the identification number issued to the breeder by the Board.
- (8) For the purposes of section 71(3) of the Act—
  - (a) the following kinds of sale are prescribed:
    - (i) the sale of a dog or cat from one registered breeder to another registered breeder;
    - (ii) the sale of a dog or cat in circumstances specified by the Board by notice in the Gazette.
  - (b) an advertisement of a kind specified by the Board by notice in the Gazette is prescribed.

## **20—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.

Maximum penalty: \$2 500.

Expiation fee: \$170.

- (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.

### **21—Notification to owner of dog or cat**

For the purposes of paragraph (h) in the definition of *prescribed person* in section 64D(3) of the Act, a person declared by the Board by notice in the Gazette to be a prescribed person is prescribed.

### **22—Fees and charges**

- (1) For the purposes of section 26(6)(b) of the Act, the registration fee charged by a council for a dog or cat (not being a standard dog or cat) must not exceed the amount fixed by the Board by notice in the Gazette in relation to the relevant year.
- (2) Unless the contrary intention appears, any other fees and charges payable for the purposes of the Act or these regulations are—
  - (a) if a fee in relation to a matter of a particular kind has been fixed by the Board—that fee; or
  - (b) if no such fee has been fixed by the Board—the fee in relation to matters of the relevant kind determined by the council within whose area the fee is incurred or to be paid (not exceeding the maximum amount determined by the Board by notice in the Gazette for such a fee).

## **Schedule 1—Revocation of *Dog and Cat Management Regulations 2010***

The *Dog and Cat Management Regulations 2010* are revoked.

### **Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 19 April 2017

No 30 of 2017

17MSECCS015