

South Australia

Dog and Cat Management (Breeder Reforms) Amendment Act 2025

An Act to amend the *Dog and Cat Management Act 1995* and to make a related amendment to the *Criminal Law Consolidation Act 1935*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Dog and Cat Management (Breeder Reforms) Amendment Act 2025*.

2—Commencement

This Act comes into operation on a day to be fixed by proclamation.

Part 2—Amendment of *Dog and Cat Management Act 1995*

3—Amendment of section 3—Objects

Section 3—after paragraph (c) insert:

- (d) to require breeders of dogs and cats to adhere to standards and guidelines that provide for the welfare of dogs and cats involved in breeding programs.

4—Amendment of section 4—Interpretation

- (1) Section 4—after definition of *Board* insert:

to breed or *bred*—see section 68;

breeder's licence means a licence to breed dogs or cats (or both) under Part 7 that is in force;

- (2) Section 4—after the definition of *cat* insert:

Control (Barking Dog) Order means an order of a kind referred to in section 50(6);

Control (Dangerous Dog) Order means an order of a kind referred to in section 50(3);

Control (Menacing Dog) Order means an order of a kind referred to in section 50(4);

Control (Nuisance Dog) Order means an order of a kind referred to in section 50(5);

Control (Wandering Dog) Order means an order of a kind referred to in section 50(6a);

- (3) Section 4, definition of *dangerous dog*—after paragraph (b) insert:

or

- (c) an order generally corresponding to a Control (Dangerous Dog) Order has been recognised under section 59C;

- (4) Section 4—after the definition of *effective control* insert:

emergency service means—

- (a) SA Police;
- (b) SAMFS;
- (c) SACFS;
- (d) SASES;
- (e) SAAS;
- (f) any other entity prescribed by the regulations;

- (5) Section 4—after the definition of *LGA* insert:

licensed breeder, or holder of a breeder's licence means a person who—

- (a) is the holder of a breeder's licence; or
- (b) is licensed (however described) to breed dogs or cats (or both) under a corresponding law;

- (6) Section 4, after the definition of *private place* insert:

Prohibition Order means a Prohibition Order made under section 59A;

- (7) Section 4—*registered veterinary surgeon*—delete the definition

- (8) Section 4—after the definition of *unidentified cat* insert:

veterinarian has the same meaning as in the *Veterinary Services Act 2023*;

5—Amendment of section 12—Composition of Board

- (1) Section 12(1)—delete "9" and substitute:

7

- (2) Section 12(1)(a)—delete "4" and substitute:

3

- (3) Section 12(1)—delete "4" and substitute:

3

6—Amendment of section 17—Proceedings

- Section 17(1)—delete "5" and substitute:

4

7—Insertion of Part 2 Division 2A

- Part 2—after section 19 insert:

Division 2A—Centralised registration and management system

20—Board to establish centralised registration and management system

- (1) The Board must establish and maintain a centralised registration and management system for the purposes of this Act.
- (2) The centralised registration and management system must contain the following registers:
 - (a) a register of dogs and cats registered under this Act;
 - (b) a register of dogs and cats that are microchipped;
 - (c) a register of dogs and cats that are desexed;
 - (d) a register of assistance dogs;
 - (e) the register of licensed breeders kept under section 71F;
 - (f) any other register required to be kept by the regulations,and may contain such other registers or information the Board thinks fit.
- (3) A register must, in relation to each entry on the register, include the information required by the regulations and may include any other information the Board thinks fit.
- (4) A register may be kept wholly or partly in an electronic form.

8—Amendment of section 24—Annual report

- Section 24(1)—delete "30 September" and substitute:

31 October

9—Amendment of section 25—Dog and Cat Management Fund

- Section 25(4)(a)—after "dogs" insert:

and cats

10—Amendment of section 25D—General powers of authorised persons

- (1) Section 25D(2)(b)—delete "a justice" and substitute:

the Magistrates Court

- (2) Section 25D(3)—delete "A justice" and substitute:

The Magistrates Court

- (3) Section 25D(4)—delete subsection (4)

11—Amendment of section 26—Council responsibility for management of dogs and cats

- (1) Section 26(6)(b)(i)—delete "or businesses"

- (2) Section 26(5)—delete subsection (5) and substitute:

- (5) Any money (whether received directly by a council or through the centralised registration and management system) paid under this Act in relation to the registration of dogs is to be distributed between the Fund and councils in accordance with the scheme set out in the regulations.

12—Substitution of section 26A

Section 26A—delete section 26A and substitute:

26A—Plans of management relating to dogs and cats

- (1) Each council must, in accordance with any requirements set out in guidelines issued by the Board, prepare a plan relating to the management of dogs and cats within its area (which may be combined with another plan prepared by the council under this or any other Act).
- (2) A council must, on preparing or amending a plan of a management, in a manner and form determined by the Board, notify the Board of that fact.

13—Amendment of section 31—Offence to hinder etc authorised person

Section 31(2)—delete subsection (2)

14—Amendment of section 34—Registration procedure for individual dogs

Section 34(3)—delete subsection (3)

15—Repeal of section 35

Section 35—delete section 35

16—Amendment of section 37—Notifications to ensure accuracy of registers

Section 37(2)—delete subsection (2)

17—Repeal of section 38

Section 38—delete section 38

18—Amendment of section 42E—Certain dogs and cats to be desexed

Section 42E(3)(b)—delete "a person registered as a breeder" and substitute:
the holder of a breeder's licence

19—Amendment of section 43—Dogs not to be allowed to wander at large

(1) Section 43(1), penalty provision—delete the penalty provision and substitute:

Maximum penalty:

- (a) if the dog is a dangerous dog or a dog of a prescribed breed—\$10 000;
- (b) in any other case—\$5 000.

(2) Section 43(1), expiation fee provision, (a)—delete "\$750" and substitute:

\$1 000

(3) Section 43(1), expiation fee provision, (b)—delete "\$210" and substitute:

\$315

20—Amendment of section 44—Dogs not to be allowed to attack etc

(1) Section 44(1), penalty provision—delete "\$10 000" and substitute:

\$50 000

(2) Section 44(2), penalty provision—delete the penalty provision and substitute:

Maximum penalty:

- (a) if the offence results in the death of, or serious injury to, a person, animal or bird—
 - (i) if the dog is a dangerous dog or a dog of a prescribed breed—\$50 000;
 - (ii) in any other case—\$25 000.
- (b) in any other case—
 - (i) if the dog is a dangerous dog or a dog of a prescribed breed—\$25 000;
 - (ii) in any other case—\$10 000.

(3) Section 44(2), expiation fee provision—delete expiation fee provision and substitute:

Expiation fee:

- (a) if the offence results in the death of, or serious injury to, a person, animal or bird—
 - (i) if the dog is a dangerous dog or a dog of a prescribed breed—\$1 500;
 - (ii) in any other case—\$1 000.
- (b) in any other case—
 - (i) if the dog is a dangerous dog or a dog of a prescribed breed—\$1 000;

(ii) in any other case—\$500.

(4) Section 44(3)—delete "this section" first occurring and substitute:

subsection (1)

(5) Section 44(3)—delete "this section" second occurring and substitute:

that subsection

21—Amendment of section 45A—Miscellaneous duties relating to dogs

(1) Section 45A(1), penalty provision, (a)—delete "\$5 000" and substitute:

\$10 000

(2) Section 45A(1), penalty provision, (b)—delete "\$2 500" and substitute:

\$5 000

(3) Section 45A(1), expiation fee provision, (a)—delete "\$750" and substitute:

\$1 000

(4) Section 45A(1), expiation fee provision, (b)—delete "\$315" and substitute:

\$750

(5) Section 45A(3)—delete "registered veterinary surgeon" and substitute:

veterinarian

(6) Section 45A—after subsection (6) insert:

(7) A person who owns or is responsible for the control of a dog (not being an accredited assistance dog) is guilty of an offence if—

(a) the dog defecates in a private place; and

(b) unless the owner or occupier of the private place allows otherwise, the person responsible for the control of the dog does not immediately remove the faeces and dispose of them in a lawful and suitable manner.

Maximum penalty: \$1 250.

Expiation fee: \$210.

22—Amendment of section 45B—Dogs of prescribed breed

(1) Section 45B(1), penalty provision—delete "\$5 000" and substitute:

\$7 500

(2) Section 45B(4)—delete subsection (4)

23—Amendment of section 45C—Greyhounds

- (1) Section 45C(1)—delete subsection (1) and substitute:
- (1) A person who owns or is responsible for the control of a greyhound (not being a racing greyhound) must ensure that, at any time the greyhound is not confined in premises of which that person is the occupier, the greyhound is under the effective control of a person by means of physical restraint.
- Maximum penalty: \$5 000.
- Expiation fee: \$315.
- (1a) A person who owns or is responsible for the control of a racing greyhound must ensure that, at any time the racing greyhound is not confined in premises of which that person is the occupier—
- (a) the greyhound has a muzzle securely fixed on its mouth capable of preventing it from biting any person or animal; and
- (b) the greyhound is under the effective control of a person by means of physical restraint.
- Maximum penalty: \$5 000.
- Expiation fee: \$315.
- (2) Section 45C(2)—delete "Subsection (1) does" and substitute:
- Subsections (1) and (1a) do
- (3) Section 45C(2)—after paragraph (b) insert:
- or
- (c) is on premises with the consent of the owner or occupier of the premises.
- (4) Section 45C—after subsection (2) insert:
- (3) In this section—
- racing greyhound* means a greyhound currently registered as a racing greyhound with Greyhound Racing SA, or a corresponding body in another jurisdiction.

24—Amendment of section 45D—Attack trained dogs, guard dogs and patrol dogs

Section 45D(1), penalty provision—delete "\$5 000" and substitute:

\$7 500

25—Amendment of section 47—Court's power to make orders in criminal proceedings

Section 47(3), penalty provision—delete "\$5 000." and substitute:

\$10 000.

26—Insertion of Part 5 Division 2

After section 47 insert:

Division 2—Directions relating to management of dogs

48—Authorised officers may give directions

- (1) An authorised officer may, by notice in writing, give a person who owns or is responsible for the control of a dog or dogs such directions as the authorised officer considers necessary or appropriate—
 - (a) to prevent the commission of an offence against Division 1, or any other offence prescribed by the regulations; or
 - (b) to prevent or manage behaviour of the dog or dogs that would, if the behaviour continues or is repeated, constitute grounds on which an order under Division 3 may be made.
- (2) Without limiting the matters that may be the subject of a direction under this section, a direction may require a person to take, or to cease, such action as may be specified in the direction.
- (3) A direction under this section—
 - (a) must be made in the manner and form required by the Board; and
 - (b) must be recorded by the authorised officer in a manner and form approved by the Board; and
 - (c) takes effect when the authorised officer first gives the written notice to the person; and
 - (d) may be conditional or unconditional; and
 - (e) may relate to 1 or more dogs; and
 - (f) must comply with any other requirements set out in the regulations.
- (4) A direction under this section may be revoked by an authorised officer by written notice to the person to whom the direction was given.
- (5) A person who contravenes a direction under this section is guilty of an offence.
Maximum penalty: \$5 000.
Expiation fee: \$500.
- (6) If a direction under this section is contravened, an authorised officer, or a person authorised by the relevant council for the purpose, may take any action required under the direction.
- (7) The reasonable costs and expenses incurred in taking action under subsection (6) may be recovered by the relevant council as a debt from the person who contravened the direction.

27—Amendment of section 50—Destruction and control orders

- (1) Section 50(1)—after paragraph (e) insert:
 - (f) a Control (Wandering Dog) Order.
- (2) Section 50—after subsection (6) insert:
 - (6a) A Control (Wandering Dog) Order requires—
 - (a) all reasonable steps to be taken to prevent the dog escaping from premises of which the person who is responsible for the control of the dog is the occupier; and
 - (b) the dog or the person or both to undertake such approved training courses as may be specified in the order.

28—Amendment of section 51—Grounds on which orders may be made

- (1) Section 51(a)(ii)—delete "in circumstances that would constitute an offence against this Act" and substitute:

(whether or not actual injury is caused)
- (2) Section 51(b)(i)(B)—delete ", in circumstances that would constitute an offence against this or any other Act" and substitute:

(whether or not actual injury is caused)
- (3) Section 51(c)(i)(B)—delete ", in circumstances that would constitute an offence against this or any other Act" and substitute:

(whether or not actual injury is caused)
- (4) Section 51(d)(i)(B)—delete ", in circumstances that would constitute an offence against this or any other Act" and substitute:

(whether or not actual injury is caused)
- (5) Section 51(e)(ii)—delete "noise by barking or otherwise in circumstances that would constitute an offence against this or any other Act" and substitute:

an unreasonable amount of noise by barking
- (6) Section 51—after paragraph (e) insert:

or

 - (f) in the case of a Control (Wandering Dog) Order—
 - (i) the dog has, on at least 3 occasions, wandered at large; or
 - (ii) the dog is subject to an order made under a law of another jurisdiction that corresponds with a Control (Wandering Dog) Order.

- (7) Section 51—after its present contents as amended by this section (now to be designated as subsection (1)) insert:
- (2) To avoid doubt, a council or the Board may make an order in relation to a dog under this Division—
 - (a) whether or not a person has been charged with an offence against this or any other Act in relation to the behaviour of the dog to which the order relates; or
 - (b) in circumstances where a person has been charged with an offence against this or any other Act in relation to the behaviour of the dog to which the order relates but is found not guilty of the offence (except where the court has made a finding that the dog did not, in fact, engage in the behaviour to which the order relates).

29—Repeal of section 53

Section 53—delete the section

30—Amendment of section 54—Application of orders and directions

- (1) Heading to section 54—delete "and directions"
- (2) Section 54(3)—delete subsection (3)

31—Amendment of section 55—Contravention of order

Section 55(1), penalty provision, (c)—after "Order" insert:
or Control (Wandering Dog) Order

32—Amendment of section 56—Notification to council

- (1) Section 56(1), penalty provision, (a)—delete "\$2 500" and substitute:
\$5 000
- (2) Section 56(1), penalty provision, (b)—delete "\$1 250" and substitute:
\$2 500
- (3) Section 56(1), expiation fee provision, (a)—delete "\$315" and substitute:
\$500
- (4) Section 56(1), expiation fee provision, (a)—delete "\$210" and substitute:
\$315

33—Amendment of section 57—Notification of order to proposed new owner of dog

- (1) Section 57, penalty provision—delete "\$1 250" and substitute:
\$5 000
- (2) Section 57, expiation fee provision—delete "\$210" and substitute:
\$500

34—Insertion of Part 5 Division 3AA

After section 59 insert:

Division 3AA—Control (Barking Dogs on Premises) Order

59AA—Control (Barking Dogs on Premises) Order

- (1) A council or the Board may, in accordance with this Division, make a Control (Barking Dogs on Premises) Order in relation to specified premises.
- (2) A Control (Barking Dogs on Premises) Order requires—
 - (a) all reasonable steps to be taken to prevent any dogs on the premises repeating the behaviour that gave rise to the order; and
 - (b) any dogs on the premises or each occupier of the premises or both to undertake such approved training courses as may be specified in the order.
- (3) A council or the Board may make a Control (Barking Dogs on Premises) Order if satisfied that—
 - (a) 1 or more dogs on the premises are a nuisance; and
 - (b) 1 or more dogs on the premises has created noise by barking or otherwise in circumstances that would constitute an offence against this or any other Act.
- (4) In making a Control (Barking Dogs on Premises) Order, it is not necessary for the council or Board to—
 - (a) be satisfied that more than 1 dog on the relevant premises is creating or has created the noise; or
 - (b) identify a particular dog on the relevant premises that is creating or has created the noise; or
 - (c) if more than 1 dog on the relevant premises is creating or has created the noise—apportion an amount of noise to each dog.
- (5) A Control (Barking Dogs on Premises) Order binds each occupier of the premises subject to the order.

59AB—Procedure for making and revoking orders

- (1) A council or the Board may make an order under this Division on its own initiative or on an application made in a manner and form determined by the council or the Board (as the case requires).
- (2) Before making an order under this Division, the council or the Board (as the case requires) must give the occupier of the premises at least 7 days written notice—
 - (a) setting out the terms of the proposed order; and

- (b) inviting the occupier to make submissions to the council or the Board in respect of the matter within 7 days or such longer period as is allowed by the council or the Board (as the case requires).
- (3) An order made by a council—
 - (a) must be made in the manner and form required by the Board; and
 - (b) must be recorded by the council in a manner and form approved by the Board; and
 - (c) takes effect when the council first gives a copy of the order to the occupier of the premises to which the order relates.
- (4) An order made by a council may be revoked by the council by written notice to the occupier of the premises to which the order relates.
- (5) A note of the revocation must be entered in the register kept by the council under this Act.
- (6) An order made by the Board—
 - (a) takes effect when the Board first gives a copy of the order to the occupier of the premises to which the order relates; and
 - (b) may be revoked by the Board by written notice to the occupier of the premises to which the order relates; and
 - (c) must be recorded in a manner and form determined by the Board.

59AC—Contravention of order

- (1) If a Control (Barking Dogs on Premises) Order is contravened, each occupier of the premises subject to the order is guilty of an offence.
Maximum penalty: \$2 500.
Expiation fee: \$500.
- (2) It is a defence to a charge of an offence against this section if it is proved that the defendant was not, at the time of the alleged offence, aware that the order was in force.

35—Amendment of section 59B—Contravention of Prohibition Order

Section 59B(1), penalty provision—delete "\$5 000" and substitute:

\$10 000

36—Insertion of Part 5 Division 4

After section 59B insert:

Division 4—Recognition of interstate orders

59C—Recognition of certain interstate orders

- (1) The Minister may, on the application of the Board or a council, or on the Minister's own initiative, recognise a prescribed interstate order.
- (2) The Minister recognises a prescribed interstate order by registering the order in accordance with any requirements set out in the regulations.
- (3) As soon as possible after registering a prescribed interstate order, the Minister must ensure that a notice is served on the person who is the subject of the order either personally or by registered post at the last known address of that person.
- (4) The notice must inform the person—
 - (a) that the relevant prescribed interstate order has been registered under this section; and
 - (b) that the registration of the order does not take effect until 14 days after the notice is served on the person; and
 - (c) that from the time the registration takes effect, a contravention of the order in South Australia is an offence.
- (5) The registration of a prescribed interstate order under this section takes effect 14 days after notice is served in accordance with subsection (4) on the person who is the subject of the order.
- (6) A person who is the subject of a prescribed interstate order registered under this section must comply with the order.
Maximum penalty: \$10 000.
Expiation fee: \$750.
- (7) Subsection (6) applies even if the order is varied after it is registered.
- (8) However, if a prescribed interstate order is varied after it is registered to create a new obligation on the person to whom the order relates, proceedings against the person in respect of a contravention of that obligation must not be started unless the person had notice of the obligation before the contravention occurred.
- (9) In proceedings for an alleged offence against subsection (6)—
 - (a) production of a certificate apparently signed by the Minister stating that a prescribed interstate order was registered on a specified date is proof in the absence of proof to the contrary of the registration under this section of the order; and

- (b) production of a certificate apparently signed by the Minister setting out the terms of a prescribed interstate order at a particular date is proof in the absence of proof to the contrary of the terms of the order on that date.
- (10) In this section—
- corresponding law*** means a provision of a law of another State or Territory prescribed by the regulations as a corresponding law for the purposes of this section;
- prescribed interstate order*** means a court order made under a corresponding law corresponding to—
- (a) a Destruction Order;
 - (b) a Control (Dangerous Dog) Order;
 - (c) a Control (Menacing Dog) Order;
 - (d) a Prohibition Order;
 - (e) any other order, or order of a class, prescribed by the regulations;
- register*** means a register kept for the purposes of this section.

37—Amendment of section 60—Power to seize and detain dogs

Section 60(1)—after paragraph (f) insert:

- (g) if requested to do so by a member of an emergency service;
- (h) if the dog is kept at premises that are the subject of a Control (Barking Dogs on Premises) Order under Part 5 Division 3AA and the authorised person reasonably suspects that an occupier of the premises has contravened the order;
- (i) in any other circumstances prescribed by the regulations.

38—Amendment of section 61—Procedure following seizure of dog

(1) Section 61(2)(a)—delete paragraph (a) and substitute:

- (a) either—
 - (i) cause a notice to be displayed at the office of the council for the area in which the dog was seized (or if the dog was seized outside municipal and district council areas, at the police station nearest to where the dog was seized) containing—
 - (A) a general description of the dog; and
 - (B) the day and time it was seized; and
 - (C) contact details of a person or body to whom further enquiries can be made; or

- (ii) cause such a notice to be published on the official website of the council for the area in which the dog was seized (or if the dog was seized outside municipal and district council areas, on the official website of SA Police).
- (2) Section 61—after subsection (6) insert:
 - (7) Nothing in this section prevents a person from taking a seized or detained dog that is sick, injured or distressed to a veterinarian for assessment and treatment.

39—Amendment of section 62—Destruction or disposal of seized dog

- (1) Section 62(3)(b)(i)—delete "registered veterinary surgeon" and substitute:
veterinarian
- (2) Section 62(3)(b)(ii)—delete "registered veterinary surgeon" and substitute:
veterinarian

40—Substitution of section 63

Section 63—delete section 63 and substitute:

63—Power to destroy cats

- (1) A person may lawfully destroy or injure a cat in the following circumstances:
 - (a) if the person is performing functions 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*);
 - (b) if the person is performing functions under the *Crown Land Management Act 2009* and the cat is found in an area in respect of which the person is authorised to exercise powers under that Act;
 - (c) if the person is performing functions under the *Landscape South Australia Act 2019* and the cat is found while the person is performing those functions;
 - (d) 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;
 - (e) if the cat is found in a place that is more than the prescribed distance from any genuine place of residence (not including a place owned or occupied by the person);
 - (f) if—
 - (i) the cat is unidentified; and
 - (ii) the person—

- (A) is a veterinarian acting in the ordinary course of their profession; or
 - (B) 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:
 - the Royal Society for the Prevention of Cruelty to Animals (South Australia) Incorporated;
 - the Animal Welfare League of South Australia, Incorporated;
 - a body or person specified by the regulations;
 - (g) any other circumstances prescribed by the regulations.
- (2) Without limiting subsection (1), an authorised person may lawfully destroy or injure a cat in the circumstances prescribed by the regulations.
- (3) Nothing in this section limits the operation of section 65 of the *Animal Welfare Act 2025*.
- (4) The Governor may, by proclamation made on the recommendation of the Board, declare land to be a designated area for the purposes of this section.
- (5) A proclamation under this section may be varied or revoked by further proclamation made on the recommendation of the Board.
- (6) In this section—
- prescribed distance***, from a place of residence, means—
- (a) if the regulations prescribe a distance for the purposes of this paragraph—that distance; or
 - (b) if the regulations do not prescribe a distance for the purposes of this paragraph—1 kilometre.

41—Amendment of section 64—Power to seize and detain cats

Section 64(2)(a)—delete "registered veterinary surgeon" and substitute:
veterinarian

42—Amendment of section 64D—Notification to owner of dog or cat destroyed etc under Part

- (1) Section 64D(3), definition of ***prescribed person***, (b), (c) and (d)—delete paragraphs (b), (c) and (d) and substitute:
- (b) a person performing functions under the *National Parks and Wildlife Act 1972*, the *Wilderness Protection Act 1992*, the *Crown Land Management Act 2009* or the *Landscape South Australia Act 2019*;
or

- (2) Section 64D(3), definition of *prescribed person*, (f)—delete "registered veterinary surgeon" and substitute:

veterinarian

43—Substitution of Part 7

Part 7—delete Part 7 and substitute:

Part 7—Breeder's licences

Division 1—Preliminary

68—Meaning of *to breed and bred*

- (1) For the purposes of this Act, the owner of a dog or cat will be taken to have bred any puppy or kitten (as the case requires) sired or birthed by the dog or cat.
- (2) However, subsection (1) does not apply in circumstances prescribed by the regulations.
- (3) For the purposes of this Act, a person will be taken to breed, or have bred, a dog or cat if the person does any of the following:
 - (a) causes or allows (whether by act or omission) 1 or more dogs or cats owned by the person, or for the control of which the person is responsible, to mate;
 - (b) provides a dog or cat owned by the person, or for the control of which the person is responsible, to another person for the purpose of mating the dog or cat with another;
 - (c) artificially inseminates a dog or cat, or causes a dog or cat owned by the person, or for the control of which the person is responsible, to be artificially inseminated;
 - (d) provides semen or ova from a dog or cat owned by the person, or for the control of which the person is responsible to another person;
 - (e) any other act or omission of a kind prescribed by the regulations.
- (4) To avoid doubt, each person who does an act or omission referred to in subsection (3) in relation to the breeding of a dog or cat will, for the purposes of this Act, be taken to have bred the dog or cat.
- (5) However, subsection (3) does not apply in relation to—
 - (a) an act or omission referred to in that subsection that is done interstate or overseas; or
 - (b) an act or omission of a veterinarian acting in the ordinary course of their business in relation to a dog or cat that is not owned by the veterinarian, or for the control of which the veterinarian is responsible; or

- (c) any other act or omission of a kind prescribed by the regulations.

69—Board may publish or adopt standards and guidelines

- (1) The Board may, by notice in the Gazette, publish or adopt standards and guidelines for the purposes of this Part.
- (2) The Board must, before publishing or adopting, or varying or revoking, standards and guidelines under subsection (1)—
 - (a) call for public submissions in accordance with a scheme determined by the Board; and
 - (b) have regard to any submissions received during the period specified in the scheme; and
 - (c) undertake such other consultation as may be required by the regulations.
- (3) The Board must cause a copy of any standards and guidelines, as in force from time to time, to be published on a website determined by the Board.

Division 2—Licensing of breeders of dogs and cats

70—Offence to breed dogs or cats unless licensed

- (1) A person must not breed a dog or cat unless the person is the holder of a breeder's licence that authorises the person to breed dogs or cats (as the case requires).
Maximum penalty: \$10 000.
Expiation fee: \$750.
- (2) However, subsection (1) does not apply in circumstances prescribed by the regulations.

71—Application for licence

- (1) A person may apply to the Board for a licence (a *breeder's licence*) which authorises them to breed dogs or cats (or both).
- (2) An application for a breeder's licence must—
 - (a) be made in a manner and form determined by the Board; and
 - (b) be accompanied by the prescribed fee; and
 - (c) contain such information and be accompanied by such records as the Board may require to determine the application.

- (3) The Board must not grant a licence to an applicant, or renew a licence on application by a licence holder, unless the Board is satisfied that—
 - (a) the applicant is not prevented from holding a licence, or being registered, to breed dogs or cats under a corresponding law; and
 - (b) neither the applicant, nor a current spouse or domestic partner of the applicant, has been found guilty of a prescribed offence within the 5 years immediately preceding the application; and
 - (c) the applicant complies with any other requirements prescribed by the regulations.
- (4) In the case of an applicant that is a body corporate, the requirements under subsection (3) extend to each director of the body corporate.
- (5) Without limiting subsection (3), the Board may refuse to grant an application for any reason the Board thinks fit (including, to avoid doubt, that the Board does not consider the applicant to be a suitable person to breed dogs or cats (as the case requires)).
- (6) After determining an application under this section, the Board must—
 - (a) notify the applicant in writing of the Board's decision; and
 - (b) if the Board refuses to grant the application, provide reasons for the decision.
- (7) A breeder's licence is not transferrable.
- (8) In this section—

domestic partner means a person who is a domestic partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

spouse—a person is the spouse of another if they are legally married.

71A—Terms and conditions of licence

- (1) Subject to this Act, a breeder's licence has effect for a period of 3 years from the day on which it is granted, or such shorter period as may be specified in the licence.
- (2) The Board must impose the following conditions on each breeder's licence:
 - (a) a condition requiring the holder of the breeder's licence to comply with any relevant standards or guidelines published or adopted under this Part;
 - (b) a condition setting out the number of fertile female dogs or cats that may be owned, or under the control of, the holder of the breeder's licence;

- (c) a condition setting out the number of litters that may be bred by the holder of the breeder's licence (whether from a particular female dog or cat, during a particular period, or otherwise),

and may impose such other conditions on a breeder's licence as the Board considers appropriate.

- (3) A holder of a breeder's licence must not, without reasonable excuse, contravene a condition of the breeder's licence.

Maximum penalty: \$10 000.

Expiation fee: \$750.

- (4) The Board may vary or revoke a condition imposed on a breeder's licence on the application of the holder of the breeder's licence or on the Board's own initiative.

71B—Reporting obligations

- (1) The holder of a breeder's licence must notify the Board if any of the following occurs:

- (a) a litter is born to a female dog or cat owned by the licence holder, or for the control of which the licence holder is responsible;
- (b) a fertile female dog or cat owned by the licence holder, or for the control of which the licence holder is responsible, dies, is desexed, or otherwise ceases to be a part of the licence holder's breeding program;
- (c) any other event prescribed by the regulations.

- (2) A notice under subsection (1)—

- (a) must be given in a manner and form, and within the period, determined by the Board; and
- (b) must contain such information as may be required by the regulations or the Board.

- (3) The holder of a breeder's licence must not refuse or fail to comply with subsection (1).

Maximum penalty: \$10 000.

Expiation fee: \$750.

71C—Renewal of breeder's licence

- (1) The holder of a breeder's licence may apply to the Board for the renewal of the licence.

- (2) A renewal application—

- (a) must, unless the Board allows otherwise, be made to the Board at least 3 months before the licence is due to expire; and
- (b) be made in a manner and form determined by the Board; and

- (c) be accompanied by the prescribed fee; and
- (d) must contain such information and be accompanied by such records as the Board may require to determine the application.

71D—Suspension or cancellation of breeder's licence

- (1) The Board may, by notice in writing to the holder of a breeder's licence, suspend or cancel the breeder's licence—
 - (a) if the licence holder requests suspension or cancellation; or
 - (b) if the Board is satisfied that the licence holder has contravened this Act or a condition of the licence; or
 - (c) if the Board is satisfied that—
 - (i) the licence holder is prevented (however described) from holding a licence, or being registered, to breed dogs or cats under a corresponding law; or
 - (ii) the licence holder is found guilty of a prescribed offence; or
 - (d) if the Board is satisfied that the licence holder is not, or is no longer, a suitable person to breed dogs or cats (as the case requires); or
 - (e) in any other circumstances prescribed by the regulations.
- (2) Before suspending or cancelling a licence under subsection (1), the Board must—
 - (a) notify the licence holder that the licence holder may, within 30 days before the licence is to be suspended or cancelled, show cause why the licence should not be suspended or cancelled; and
 - (b) consider any submission under paragraph (a).
- (3) The suspension or cancellation of a licence takes effect from the day specified in the notice, or in the case of a suspension, for the period specified in the notice.
- (4) On cancelling a person's breeder's licence, the Board may, by notice in writing, disqualify the person from holding or obtaining a breeder's licence for a specified period (not exceeding 5 years).

71E—Dealing with dogs and cats where breeder's licence suspended or cancelled

Any dog or cat owned by the holder of a breeder's licence that is suspended or cancelled is to be dealt with in accordance with the scheme set out in the regulations (which may, without limiting the generality of this subsection, provide that the Board, a council or an authorised person may give directions to as to how such dogs or cats are to be dealt with, and provide for the recovery of any costs associated with dealing with such dogs and cats from the licence holder).

71F—Register of licensed breeders

- (1) The Board must keep and maintain a register (which may be incorporated into another register kept under this Act) for the purposes of this Part.
- (2) The register must contain—
 - (a) a record of each person licensed as a breeder under this Part (whether or not the licence is currently in force); and
 - (b) a record of each person whose breeder's licence has been suspended or cancelled under this Act; and
 - (c) a record of each person removed from the register under this Act for any reason,

and may contain any other records or information as the Board thinks appropriate.

Part 7AA—Sale of dogs and cats

Division 1—Sale etc of dogs and cats

71G—Offence to sell etc dogs of prescribed breed

- (1) A person who sells or gives away, or advertises for sale or to give away, a dog of a prescribed breed is guilty of an offence.
Maximum penalty: \$5 000.
- (2) Subsection (1) does not apply to the surrender of a dog of a prescribed breed to—
 - (a) the Royal Society for the Prevention of Cruelty to Animals (South Australia) Incorporated; or
 - (b) the Animal Welfare League of South Australia, Incorporated; or
 - (c) any other body or person specified by the regulations, or a facility operated by or on behalf of those bodies or persons.

- (3) In proceedings for an offence against subsection (1), it is a defence for the defendant to prove that they did not know, and could not reasonably have been expected to have known, that the dog to which the offence relates was a dog of a prescribed breed.

71H—Offences relating to sale of certain dogs and cats

- (1) A person must not sell a dog or cat unless the dog or cat has been microchipped in accordance with any requirement set out in the regulations.
Maximum penalty: \$5 000.
Expiation fee: \$315.
- (2) A person must not sell a dog or cat unless the dog or cat has been desexed in accordance with any requirement set out in the regulations.
Maximum penalty: \$5 000.
Expiation fee: \$315.
- (3) Subsections (1) and (2) apply—
- (a) whether or not the dog or cat is required to be microchipped or desexed or both under section 42A or 42E; and
 - (b) whether or not the person is the breeder of the dog or cat.
- (4) However, subsection (2) does not apply in relation to working livestock dogs.
- (5) This section does not apply to a sale of a dog or cat occurring in circumstances prescribed by the regulations for the purposes of this section.
- (6) Nothing in this section limits section 71G.

71I—Certain information to be given to buyers

- (1) A person who sells a dog or cat must give to the new owner a written notice setting out—
- (a) the information required by the regulations relating to the identity of the seller of the dog or cat; and
 - (b) the information required by the regulations relating to the identity of the breeder or breeders of the dog or cat; and
 - (c) the information required by the regulations relating to vaccinations and other treatments given to the dog or cat; and
 - (d) the information required by the regulations relating to the dog's or cat's microchip; and
 - (e) any other information required by the regulations in respect of a sale of the relevant kind.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) A person who publishes an advertisement in relation to the sale of a dog or cat must ensure that the advertisement contains—
- (a) the information required by the regulations relating to the identity of the seller of the dog or cat; and
 - (b) the information required by the regulations relating to the identity of the breeder or breeders of the dog or cat; and
 - (c) the information required by the regulations relating to vaccinations and other treatments given to the dog or cat; and
 - (d) the information required by the regulations relating to the dog's or cat's microchip; and
 - (e) any other information required by the regulations in respect of an advertisement of the relevant kind.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) This section does not apply in relation to a sale of a dog or cat, or an advertisement, of a kind prescribed by the regulations for the purposes of this section.
- (4) In proceedings for an offence against subsection (1) or (2), it is a defence for the defendant to prove that they did not know, and could not reasonably have been expected to have known, the information to which the alleged offence relates.

44—Amendment of section 72—Review of certain decisions by South Australian Civil and Administrative Tribunal

- (1) Section 72(4), definition of *reviewable decision*, (a)—delete "or 3A" and substitute:
, 3AA or 3A
- (2) Section 72(4), definition of *reviewable decision*—after paragraph (b) insert:
(ba) a determination of the Board to refuse an application under Part 7 Division 2;

45—Insertion of section 73

Before section 80A insert:

73—Sharing of information between Board and councils etc

- (1) This section applies to the following persons and bodies:
- (a) the Board;
 - (b) a council;
 - (c) an authorised person;
 - (d) the Department;

- (e) a person or body to whom functions related to the administration, operation or enforcement of the *Animal Welfare Act 1985* are delegated;
 - (f) any other person or body, or person or body of a class, prescribed by the regulations.
- (2) Despite any other Act or law, a person or body to whom this section applies (the **provider**) may, in accordance with any requirements set out in the regulations, provide information and documents to another person or body to whom this section applies (the **recipient**) if the provider reasonably believes that the provision of the information or documents would assist the recipient—
- (a) to perform functions under this Act; or
 - (b) to manage any risk of harm to a dog or cat, or to dogs and cats generally (whether in this State or in another jurisdiction).
- (3) Despite any other Act or law, information or documents that do not directly or indirectly disclose the identity of any person may be provided by one person or body to whom this section applies to another without restriction.
- (4) Information or documents may be provided under this section whether or not the provider has been requested to provide the information or documents.
- (5) In this section—

Department means the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of this Act.

46—Amendment of section 81A—Interference with dog or cat in lawful custody

Section 81A, penalty provision—delete "\$5 000." and substitute:
\$10 000.

47—Amendment of section 83—No liability for action taken under Act

Section 83—after its present contents (now to be designated as subsection (1)) insert:

- (2) Without limiting a provision of the *Animal Welfare Act 1985*, for the purposes of this section, a reference to action taken lawfully under this Act includes, in the case of the operation of Part 5A, a reference to any injury or harm caused to a dog or cat in good faith and without negligence in the course of taking action under that Part.

48—Insertion of sections 84 and 84A

After section 83 insert:

84—Liability of directors

- (1) If a body corporation is guilty of an offence against this Act, each director of the body corporate is guilty of an offence and is liable to the same penalty as is prescribed for the principal offence unless the director proves that they could not by the exercise of due diligence have prevented the commission of the offence.
- (2) A director of a body corporate may be prosecuted and convicted of an offence under this section whether or not the body corporate has been prosecuted or convicted of the offence committed by the body corporate.

84A—Conduct by officers etc of body corporate

- (1) If it is necessary to establish, for the purposes of this Act, the state of mind of a body corporate in relation to particular conduct, it is sufficient to show—
 - (a) that an officer, director, employee or agent of the body corporate engaged in the conduct within the scope of their actual or apparent authority; and
 - (b) that the officer, director, employee or agent had the state of mind.
- (2) Any conduct in which—
 - (a) an officer, director, employee or agent of the body corporate engages within the scope of their actual or apparent authority; or
 - (b) another person engages at the direction or with the consent or agreement (express or implied) of an officer, director, employee or agent of the body corporate, who gives the direction, consent or agreement within the scope of the actual or apparent authority,is, for the purposes of this Act, conduct of the body corporate.
- (3) A reference in this section to the state of mind of a person extends to the knowledge, intent, opinion, belief or purpose of the person and the person's reasons for the intent, opinion, belief or purpose.

49—Amendment of section 86—General defences

Section 86—after its present contents (now to be designated as subsection (1)) insert:

- (2) This section does not apply in relation to a person who is charged with an offence under section 84.

50—Repeal of section 87

Section 87—delete section 87

51—Substitution of section 88

Section 88—delete section 88 and substitute:

88—Evidentiary provision

In proceedings for an offence against this Act, an allegation in the information that—

- (a) a specified animal was a dog or cat (as the case requires); or
- (b) at a specified time a specified person owned or was responsible for the control of a specified dog or cat; or
- (c) a specified dog was a dog a prescribed breed; or
- (d) a specified dog or cat was, or was not, at a specified time registered under this Act; or
- (e) a specified dog or cat was, or was not, at a specified time less than a specified age; or
- (f) a specified dog or cat was, or was not, at a specified time desexed; or
- (g) a specified dog or cat was, or was not, at a specified time microchipped; or
- (h) a specified person was, or was not, at a specified time the holder of a breeder's licence breeder under Part 7; or
- (i) that a specified person was at a specified time an authorised person,

will be accepted as proved in the absence of evidence to the contrary.

52—Substitution of section 89

Section 89—delete section 89 and substitute:

89—Appropriation of penalties etc

- (1) A penalty for an offence against this Act that is recovered on an information laid by a council or an officer of a council must be paid to that council.
- (2) An amount paid pursuant to an expiation notice, or recovered on enforcement of an expiation notice, for an offence against this Act must be paid—
 - (a) in the case of an expiation notice that was issued by a council or an officer of a council—to that council;
 - (b) in any other case—into the Fund.

53—Substitution of section 90A

Section 90A—delete section 90A and substitute:

90A—Review of Act

- (1) The Minister must cause a review of the operation of this Act (as amended by the *Dog and Cat Management (Miscellaneous) Amendment Act 2024*) to be conducted within 6 months after the third anniversary of the commencement of this section.
- (2) The Minister must cause a report of the review under subsection (1) to be prepared and must, within 6 sitting days after receiving a report, cause a copy of the report to be laid before both Houses of Parliament.

54—Amendment of section 91—Regulations

- (1) Heading to section 91—after "Regulations" insert:
and fee notices
- (2) Section 91(3)—after paragraph (c) insert:
 - (d) make provisions of a saving or transitional nature consequent on the amendment of this Act or on the making of regulations under this Act.
- (3) Section 91—after subsection (3) insert:
 - (3a) The Board and each council may prescribe fees for the purposes of this Act by fee notice under the *Legislation (Fees) Act 2019*.

Schedule 1—Related amendments and transitional etc provisions

Part 1—Amendment of *Criminal Law Consolidation Act 1935*

1—Amendment of section 20AA—Causing harm to, or assaulting, certain emergency workers etc

Section 20AA(9), definition of *prescribed emergency worker*—after paragraph (k) insert:

- (ka) an authorised person within the meaning of the *Dog and Cat Management Act 1995*, or a person assisting an authorised person in the exercise of powers under that Act;

Part 2—Transitional etc provisions

2—Composition of Board

- (1) The office of each member of the Board is, on the commencement of this clause and by force of this clause, vacated.
- (2) The appointment of a person as a deputy of a member of the Board in force immediately before the commencement of this clause is, on that commencement and by force of this clause, revoked.

- (3) Despite section 12 of the *Dog and Cat Management Act 1995* (as amended by this Act), the Board will, on the commencement of this clause, comprise 7 members appointed by the Minister, of whom 3 must be persons nominated by the LGA.
- (4) For the purposes of subclause (3), a member of the Board appointed under section 12(1)(a) of the *Dog and Cat Management Act 1995* (as in force before the commencement of section 5 of this Act) will be taken to have been nominated by the LGA.
- (5) To avoid doubt, a person who was, immediately before the commencement of this clause, a member of the Board is eligible for appointment under this clause.
- (6) Section 12(2) and (2a) of the *Dog and Cat Management Act 1995* (as in force before the commencement of this clause) apply in relation to an appointment under this clause.

3—Transitional arrangements for registered breeders

- (1) This clause applies to a person—
 - (a) who was, immediately before the commencement of this clause—
 - (i) registered as a breeder under Part 7 of the *Dog and Cat Management Act 1995*; or
 - (ii) registered as a breeder under a law of another jurisdiction dealing with the breeding of dogs or cats; and
 - (b) whose registration (however described) permits the person to breed dogs or cats.
- (2) Subject to the *Dog and Cat Management Act 1995* (as amended by this Act), the following provisions apply in relation to a person to whom this clause applies:
 - (a) the person may, in accordance with any terms or conditions of their registration in force immediately before the commencement of this clause, continue to breed dogs or cats (as the case requires) as if section 43 of this Act had not come into operation;
 - (b) section 69 of the *Dog and Cat Management Act 1995* (as in force immediately before the commencement of section 43 of this Act) will be taken to apply in relation to the person;
 - (c) section 70 of the *Dog and Cat Management Act 1995* (as enacted by this Act) will be taken not to apply in relation to the person.
- (3) To avoid doubt, nothing in this clause prevents a person to whom this applies from applying for a licence under Part 7 of the *Dog and Cat Management Act 1995* (as enacted by this Act).
- (4) This clause ceases to apply to a person—
 - (a) on the prescribed day for the relevant category of breeder; or
 - (b) on the person being granted or refused a breeder's licence on an application made under Part 7 of the *Dog and Cat Management Act 1995* (as enacted by this Act),whichever is the earlier.

Note—

A person who has not applied for and been granted a breeder's licence before the day on which this clause ceases to apply to them may commit an offence under section 70 of the *Dog and Cat Management Act 1995* if they continue to breed dogs or cats after that day.

- (5) For the purposes of subclause (4)(a), if a particular person owns, or is responsible for, more than 4 fertile female dogs or cats and 1 or more fertile male dogs or cats, then the relevant category of breeder for the person will be determined by reference to the number of fertile female dogs or cats (as the case requires) that the person owns or is responsible for.
- (6) The regulations may make further provisions of a transitional or saving nature in relation to registered breeders (including, without limiting the generality of this subclause, provisions that modify the operation of this clause).
- (7) In this clause—

category A breeder means a person to whom this clause applies—

- (a) who owns, or is responsible for, more than 20 fertile female dogs or cats (as the case requires); and
- (b) whose registration (as contemplated by subclause (1)(a)) authorises the person to breed from the relevant number of fertile female dogs or cats (as the case requires);

category B breeder means a person to whom this clause applies—

- (a) who owns, or is responsible for, more than 10 but not more than 20 fertile female dogs or cats (as the case requires); and
- (b) whose registration (as contemplated by subclause (1)(a)) authorises the person to breed from the relevant number of fertile female dogs or cats (as the case requires);

category C breeder means a person to whom this clause applies—

- (a) who owns, or is responsible for, more than 4 but not more than 10 fertile female dogs or cats (as the case requires); and
- (b) whose registration (as contemplated by subclause (1)(a)) authorises the person to breed from the relevant number of fertile female dogs or cats (as the case requires);

category D breeder means a person to whom this clause applies—

- (a) who owns, or is responsible for, not more than 4 fertile female dogs or cats or 1 or more fertile male dogs or cats (or both); and
- (b) whose registration (as contemplated by subclause (1)(a)) authorises the person to breed from the relevant number of fertile male dogs or cats (as the case requires);

prescribed day, for a particular category of breeder, means—

- (a) if the Minister, by notice in the Gazette, specifies a prescribed day for that category of breeder—that day; or
- (b) if the Minister does not specify a prescribed day under paragraph (a)—
- (i) for a category A breeder—31 January 2026; or

- (ii) for a category B breeder—30 June 2026; or
- (iii) for a category C or D breeder—30 June 2027.