

OVERVIEW OF PROPOSED CHANGES TO THE *DOG AND CAT MANAGEMENT ACT 1995*

The South Australian Government is proposing changes to the *Dog and Cat Management Act 1995* (the Act) to deliver on its commitment to improve the management of dogs and cats in the community. Specific aims of the proposed changes are to:

- improve the ability of pounds and shelters to return lost dogs and cats to their homes
- reduce the number of lost dogs and cats that end up in shelters
- provide assurance to people that the puppy or kitten they are buying comes from a reputable breeder
- enhance the ability of authorities to detect and prosecute 'puppy farms'
- enhance local councils' capacity to manage dogs and cats.

Proposed changes to the Dog and Cat Management Act are based on joint recommendations of the Dog and Cat Management Board, the Local Government Association and findings of the Select Committee on Dogs and Cats as Companion Animals.

A draft Bill – the *Dog and Cat Management (Miscellaneous) Amendment Bill 2015* - has been prepared for public comment. Key stakeholders including the RSPCA, Animal Welfare League of South Australia, the Local Government Association's Authorised Persons' Association, the Australian Veterinary Association, Dogs SA, the Governing Council of the Cat Fancy and the Feline Association of SA have been consulted on the proposed changes and are broadly supportive.

The following summarises the major changes proposed in the draft Bill. For further details, please refer to the current Act and the draft Bill at www.yoursay.sa.gov.au/

Microchipping

Microchipping is considered to be the most effective way to reunite a lost dog or cat with its owner.

Proposed changes include a new requirement for all dogs and cats to be microchipped by a prescribed age (proposed to be 3 months of age). The proposed age limit requirement is proposed to be set by regulation. Regulations are proposed to specify the date that this requirement comes into force.

Dog and cat owners may apply for an exemption based on medical grounds, providing this is supported by a veterinarian. Exemptions are proposed to apply to animal welfare organisations and councils.

The changes are proposed to give the Dog and Cat Management Board responsibility for determining who is qualified to implant a microchip, including vets, veterinary nurses or others with appropriate qualifications. At present, no such restrictions are in place.

For dogs, the proposed requirement to microchip by 3 months of age will be enforced as part of the annual registration process.

Dog and cat breeders

It is proposed that anyone who breeds a dog or cat for sale will be considered a breeder. Under the proposed changes, breeders will be required to register with the Dog and Cat Management Board or an approved organisation.

The proposed legislation will require a breeder to include their registration number in any relevant advertisement, including sales online, and to include other information, such as the animal's microchip number, as set out in the Regulations.

Assistance dogs

It is proposed that the term 'Assistance dog' replace the terms 'Disability dog', 'Guide dog' and 'Hearing dog', and that this term include dogs that are in training for such roles. The term 'Assistance dog' is commonly used by other states and the Commonwealth Government.

The proposed changes will provide a dog being trained as an Assistance dog access rights to public places and public transport when accompanied by their trainer. Currently, only dogs accompanied by a person with a disability are allowed such access.

The draft Bill provides disability service organisations with the means to accredit Assistance dogs if they have graduated from, or are in training to graduate from, that organisation's program of training, recognising the expertise and community respect for these organisations. Currently, only the Dog and Cat Management Board can accredit Assistance dogs.

Registration

Under current arrangements, if a dog is either microchipped and/or desexed and/or trained, the owner receives a rebate on their registration fee.

It is proposed to simplify this process by defining a new category of 'Standard dog', which refers to a dog that has been both microchipped and desexed.

Increased expiation and penalties

It is proposed to increase fines and penalties for dog attack offenses, nuisance barking and wandering dogs. An example of proposed expiation and penalty increases are in the following table.

Offence Example offences all expiations in the <i>Dog and Cat Management Act 1995</i> have been increased	Current expiation (1995 level)	Proposal	Current maximum penalty (1995 Level)	Proposal
A dog attacks, harasses or chases or otherwise endangers the health of a person, animal or bird	\$210	\$315	\$500	\$2500
Dog wandering at large	\$80	\$315	\$250	\$750
Dog in, or in the grounds of a school, kindergarten, child care centre or pre-school centre without the permission of the person in charge of that place	\$80	\$315	\$250	\$750
Dog barking which persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of a person	\$105	\$210	\$750	\$1250
Dog defecates in a public place and the person responsible does not immediately remove the faeces	\$55	\$210	\$125	\$1250