

South Australia

Dog and Cat Management (Breeder Reforms) Amendment Bill 2024

A BILL FOR

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

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement

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

- 3 Amendment of section 3—Objects
- 4 Amendment of section 4—Interpretation
- 5 Amendment of section 12—Composition of Board
- 6 Amendment of section 17—Proceedings
- 7 Insertion of Part 2 Division 2A
 - Division 2A—Centralised registration and management system
 - 20 Board to establish centralised registration and management system
- 8 Amendment of section 24—Annual report
- 9 Amendment of section 25—Dog and Cat Management Fund
- 10 Amendment of section 25D—General powers of authorised persons
- 11 Amendment of section 26—Council responsibility for management of dogs and cats
- 12 Substitution of section 26A
 - 26A Plans of management relating to dogs and cats
- 13 Amendment of section 31—Offence to hinder etc authorised person
- 14 Amendment of section 34—Registration procedure for individual dogs
- 15 Repeal of section 35
- 16 Amendment of section 37—Notifications to ensure accuracy of registers
- 17 Repeal of section 38
- 18 Amendment of section 42E—Certain dogs and cats to be desexed
- 19 Amendment of section 43—Dogs not to be allowed to wander at large
- 20 Amendment of section 44—Dogs not to be allowed to attack etc
- 21 Amendment of section 45A—Miscellaneous duties relating to dogs
- 22 Amendment of section 45B—Dogs of prescribed breed
- 23 Amendment of section 45C—Greyhounds
- 24 Amendment of section 45D—Attack trained dogs, guard dogs and patrol dogs
- 25 Amendment of section 50—Destruction and control orders
- 26 Amendment of section 51—Grounds on which orders may be made
- 27 Amendment of section 55—Contravention of order

Dog and Cat Management (Breeder Reforms) Amendment Bill 2024

Contents

28	Amendment of section 56—Notification to council
29	Amendment of section 57—Notification of order to proposed new owner of dog
30	Amendment of section 59B—Contravention of Prohibition Order
31	Insertion of Part 5 Division 4
	Division 4—Recognition of interstate orders
	59C Recognition of certain interstate orders
32	Amendment of section 60—Power to seize and detain dogs
33	Amendment of section 61—Procedure following seizure of dog
34	Amendment of section 62—Destruction or disposal of seized dog
35	Amendment of section 63—Power to destroy cats
36	Amendment of section 64—Power to seize and detain cats
37	Amendment of section 64D—Notification to owner of dog or cat destroyed etc under Part
38	Substitution of Part 7
	Part 7—Breeder's licences
	Division 1—Preliminary
68	Meaning of <i>to breed</i> and <i>bred</i>
69	Board may publish or adopt standards and guidelines
	Division 2—Licensing of breeders of dogs and cats
70	Offence to breed dogs or cats unless licensed
71	Application for licence
71A	Terms and conditions of licence
71B	Reporting obligations
71C	Renewal of breeders licence
71D	Suspension or cancellation of breeder's licence
71E	Dealing with dogs and cats where breeder's licence suspended or cancelled
71F	Register of licensed breeders
	Part 7AA—Sale of dogs and cats
	Division 1—Sale etc of dogs and cats
71G	Offence to sell etc dogs of prescribed breed
71H	Offences relating to sale of certain dogs and cats
71I	Certain information to be given to buyers
39	Amendment of section 72—Review of certain decisions by South Australian Civil and Administrative Tribunal
40	Insertion of section 73
	73 Sharing of information between Board and councils etc
41	Amendment of section 83—No liability for action taken under Act
42	Repeal of section 87
43	Substitution of section 88
	88 Evidentiary provision
44	Substitution of section 90A
	90A Review of Act
45	Amendment of section 91—Regulations
	Schedule 1—Related amendments and transitional etc provisions
	Part 1—Amendment of <i>Criminal Law Consolidation Act 1935</i>
1	Amendment of section 20AA—Causing harm to, or assaulting, certain emergency workers etc
	Part 2—Transitional provisions

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 2024*.

5 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:

- 10 (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

- 15 (1) Section 4, definition of *attack trained dog*—delete "training, to attack a person on command;" and substitute:

training—

- (a) to attack a person on command; or
(b) in the sport of Internationale Gebrauchshund Pruefung (however described);

20 **Note—**

This sport is also known as Schutzhund, IGO or IGP.

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

to breed or *bred*—see section 68;

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

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

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

30 *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);

(4) 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;

(5) 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;

(6) 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;

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

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

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

(9) 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 "justice" and substitute:
magistrate
- (2) Section 25D(3)—delete "justice" and substitute:
magistrate
- (3) Section 25D(4)—delete subsection (4)

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

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

12—Substitution of section 26A

5 Section 26A—delete section 26 and substitute:

26A—Plans of management relating to dogs and cats

- 10
- (1) Each council must, in accordance with any requirements set out in the regulations and any relevant 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

15 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

20 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

25 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

- 30
- (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:
35 \$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—

(a) if the dog is a dangerous dog or a dog of a prescribed
breed—\$50 000;

(b) in any other case—\$25 000.

(b) in any other case—

(a) if the dog is a dangerous dog or a dog of a prescribed
breed—\$25 000;

(b) 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—

(a) if the dog is a dangerous dog or a dog of a prescribed
breed—\$1 500;

(b) in any other case—\$1 000.

(b) in any other case—

(a) if the dog is a dangerous dog or a dog of a prescribed
breed—\$1 000;

(b) 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

Dog and Cat Management (Breeder Reforms) Amendment Bill 2024Part 2—Amendment of *Dog and Cat Management Act 1995*

(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 (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—

10 (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.

15 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

20 (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.

25 (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—

30 (a) the greyhound has a muzzle securely fixed on its mouth capable of preventing it from biting any person or animal; and

35 (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

5 (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—

10 *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:

15 \$7 500

25—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:

20 (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

25 (b) the dog or the person or both to undertake such approved training courses as may be specified in the order.

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

Section 51—after paragraph (e) insert:

or

(f) in the case of a Control (Wandering Dog) Order—

30 (i) the dog is persistently wandering 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.

27—Amendment of section 55—Contravention of order

35 Section 55(1), penalty provision, (c)—after "Order" insert:

or Control (Wandering Dog) Order

28—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

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

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

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

Section 56(1), penalty provision—delete "\$5 000" and substitute:
\$10 000

31—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.

32—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) in any other circumstances prescribed by the regulations.

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

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

(a) either—

5 (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—

10 (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

15 (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:

20 (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.

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

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

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

35—Amendment of section 63—Power to destroy cats

Section 63(1)(d)(iv)—delete "registered veterinary surgeon" and substitute:
veterinarian

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

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

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

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

38—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*

- 5
- (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.
- 10
- (2) 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:
- 15
- (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;
- 20
- (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.
- 25
- (3) To avoid doubt, each person who does an act or omission referred to in subsection (2) 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.
- (4) However, subsection (2) does not apply in relation to—
- 30
- (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
- 35
- (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 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

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.

71—Application for licence

- (1) An individual 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) 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)).
- (5) 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.

(6) A breeder's licence is not transferrable.

(7) 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
- 5 (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.
- 10 Expiation fee: \$750.

71C—Renewal of breeders licence

- (1) The holder of a breeder's licence may apply to the Board for the renewal of the licence.
- (2) A renewal application—
- 15 (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
- 20 (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—
- 25 (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—
- 30 (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
- 35 (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.

- 5
- (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).
- 10
- (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).

15

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

20

Subject to this section, 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).

25

71F—Register of licensed breeders

- 30
- (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 or any reason,
- 35
- 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

- 5 (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—
- 10 (a) the Royal Society for the Prevention of Cruelty to Animals (South Australia) Incorporated;
- (b) the Animal Welfare League of South Australia, Incorporated;
- (c) any other body or person specified by the regulations, or a facility operated by or on behalf of those bodies or persons.
- 15 (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

- 20 (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.
- 25 (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.
- 30 (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.
- 35 (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.

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

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;

40—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.

41—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:

- 5 (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.

42—Repeal of section 87

Section 87—delete section 87

10 **43—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—

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

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

44—Substitution of section 90A

Section 90A—delete the section and substitute:

90A—Review of Act

- 35 (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.

5 **45—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*.

15 **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

20 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;

25 **Part 2—Transitional provisions**