

South Australia

Dog and Cat Management (Cat Management) Amendment Bill 2024

A BILL FOR

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

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

- 5 This Act may be cited as the *Dog and Cat Management (Cat Management) Amendment Act 2024*.

2—Commencement

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

(4) Section 63—after subsection (1) insert:

- (1a) Without limiting subsection (1), a person referred to in that subsection may, in accordance with any requirements set out in the regulations, lawfully destroy a cat that has been lawfully trapped in accordance with this or any other Act or law (and sections 64, 64AA and 64A will be taken not to apply in relation to the cat).

Note—

Those sections would, for example, otherwise require the trapped cat to be delivered to a facility for detention.

(5) Section 63(2)—delete "any of the circumstances specified in that subsection" and substitute:

the circumstances prescribed by the regulations

(6) Section 63—after subsection (5) insert:

(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.

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

Section 64—delete section 64 and substitute:

64—Power to seize and detain cats

(1) An authorised person may seize and detain a cat—

- (a) to prevent or stop the contravention of a by-law of the relevant council; or
- (b) if the authorised person reasonably suspects that the cat is lost, unowned or feral; or
- (c) if requested to do so by a member of an emergency service; or
- (d) in any other circumstances prescribed by the regulations.

(2) A person (not being an authorised person) may seize and detain a cat—

- (a) 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;
- (b) 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;

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- (c) if the person is performing functions under the *Animal Welfare Act 1985* and the cat is found while the person is performing those functions;
- (d) if the person is a veterinarian acting in the ordinary course of their profession;
- (e) if the cat is found on land owned or occupied by the person and the person is acting in accordance with an approval of the relevant council or an authorised person; or
- (f) in any other circumstances prescribed by the regulations.
- 10 (3) An approval under subsection (2)(e)—
- (a) may be conditional or unconditional; and
- (b) must comply with any requirements set out in the regulations.
- 15 (4) A person who seizes and detains a cat under subsection (2)(a), (b), (c), (d) or (f) must deal with the cat in accordance with the regulations.
- (5) A person who seizes and detains a cat under subsection (2)(e) must—
- 20 (a) if conditions setting out how a cat is to be dealt with following seizure and detention are imposed on the relevant approval—deal with the cat in accordance with those conditions; or
- 25 (b) within 12 hours deliver the cat to a facility nominated by the council in whose area the cat was seized (being a facility that agrees to being nominated for the purposes of this subsection and that is approved by the Board for the detention of cats); or
- 30 (c) if paragraph (a) does not apply in the circumstances and it is not reasonably practicable to deliver the cat in accordance with paragraph (b)—deal with the cat in accordance with the regulations.
- (6) A person who, without reasonable excuse, contravenes subsection (4) or (5) is guilty of an offence.
- 35 Maximum penalty: \$5000.
Expiation fee: \$315.
- (7) Nothing in this section authorises a person who has seized and detained a cat to destroy the cat.

6—Insertion of section 64AA

After section 64 insert:

64AA—Procedure following seizure of cat

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- (1) Without limiting section 64A, if a cat is seized under this Division, it must—
- (a) be returned to a person who owns or is responsible for the control of the cat; or
- (b) be detained in a facility approved by the Board for the purpose of detaining cats; or
- 10 (c) be otherwise dealt with in accordance with the scheme set out in the regulations.
- (2) If a cat is detained, the person causing it to be detained must—
- (a) cause the cat to be scanned to determine whether it is microchipped; and
- 15 (b) either—
- (i) cause a notice to be displayed at the office of the council for the area in which the cat was seized (or if the cat was seized outside municipal and district council areas, at the police station nearest to where the cat was seized) containing—
- 20 (A) a general description of the cat; 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
- 25 (ii) cause such a notice to be published on the official website of the council for the area in which the cat was seized (or if the cat was seized outside municipal and district council areas, on the official website of SA Police).
- (c) if a person who owns or is responsible for the control of the cat is known to the person or is readily ascertainable—cause notice of the detention to be given, as soon as practicable, to the owner or other person in the manner and form required by the Board.
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- (3) A notice under subsection (2)(b) must remain displayed for at least 72 hours.
- (4) Nothing in this section prevents a person from taking a seized or detained cat that is sick, injured or distressed to a veterinarian for assessment and treatment.
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7—Substitution of section 64A

Section 64A—delete section 64A and substitute:

64A—Destruction or disposal of seized cat

- 5 (1) A person who is responsible for a cat that is seized and detained
under this Division (other than a person who seized or detained a cat
under section 64(2)(e)) may cause the cat to be destroyed or
otherwise disposed of—
- 10 (a) if the cat is suffering from injury, disease or sickness to the
extent that it is impracticable to maintain the cat; or
- (b) if the cat is suffering from a contagious or infectious disease
or sickness; or
- (c) if the cat is not claimed by a person entitled to the return of
the cat within 72 hours from when notice of its detention
was last given under this Division; or
- 15 (d) if a person in whose name the cat is registered declines to
take possession of the cat; or
- (e) if money due in relation to the detention of the cat is not
paid within 7 days after a request for payment; or
- (f) if the cat is an unidentified cat, or is unowned or feral; or
- 20 (g) in any other circumstances prescribed by the regulations.
- (2) If a cat is disposed of under subsection (1) by sale, the proceeds of
the sale are the property of the operator of the facility at which the
cat had been detained.

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

25 Section 64D(3), definition of *prescribed person*, paragraphs (b) to (h)—delete
paragraphs (b) to (h) (inclusive) and substitute:

- (b) a person referred to in the following provisions:
- 30 (i) section 59D(c);
- (ii) section 63(1)(a) or (d) to (g) (inclusive);
- (iii) section 64(2)(a) to (d) (inclusive); or
- (c) any other person prescribed by the regulations.