

Proposed amendments to the Dog and Cat Management Act to improve cat management

Explanatory Guide



Government
of South Australia

Department for
Environment and Water





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Introduction

The Department for Environment and Water is inviting South Australians to have their say on proposed changes to cat management laws in our state.

The Dog and Cat Management Act

The *Dog and Cat Management Act 1995* (the Act) is South Australia's legal framework for managing dogs and cats in South Australia. The Act outlines the responsibilities of dog and cat owners and includes powers for local government and some stakeholders with a role in dog and cat management.

The draft bill

A bill is a formal proposal for creating new laws or changing existing laws. The draft bill, available on YourSAy, includes the specific changes proposed for the *Dog and Cat Management Act 1995*.

This guide explains the rationale and intent of the proposed changes.

What are the next steps?

Once the Bill is finalised, the government will provide approval to table the bill in Parliament. The bill will then be debated in Parliament. If it is passed by both houses, it will be assented to by the Governor, and it will become an Act (law).

What else do I need to know?

Consultation was recently undertaken on proposals to introduce breeder licencing and increase dog attack penalties in the Dog and Cat Management Act and on a proposed new Animal Welfare Bill. Further information is available at www.yoursay.sa.gov.au

Have YourSAy

Your feedback will help us understand the collective community views regarding dog and cat management expectations.

You are encouraged to respond to the online questionnaire on the YourSAy page. The questionnaire asks about your support for each amendment, and includes space for optional comments to be added.

Details on how to provide feedback are on YourSAy at YourSAy.sa.gov.au

Managing cats in South Australia

Cats can have a significant impact on wildlife and biodiversity. Cats continue to drive population decline in Australian native animal species. Predation by cats is a recognised threat to over 200 nationally threatened species, and 37 listed migratory species. Cats in Australia kill over 1.5 billion native mammals, birds, reptiles and frogs, and 1.1 billion invertebrates each year.¹

South Australian cat owners are required to microchip and desex their cats. These responsible pet ownership foundations help lost cats be returned to their owners and reduce unwanted litters. Many owners have also chosen to contain their cats to their property to reduce the impact on wildlife and nuisance behaviours for neighbours, and also to keep them safe.

However, the population of cats that aren't desexed and who continue to produce litters of kittens are having an adverse impact on our primary producers, State National Parks and reserves.

Shelters and rescue organisations frequently report they are operating at capacity, requiring them to turn away requests to take cats and kittens.

In South Australia the *Dog and Cat Management Act 1995* provides the framework for the management of all cats across other relevant and associated legislation including the *Landscape SA Act 2019*, *National Parks and Wildlife Act 1972*, *Wilderness Protection Act 1992*, and *Crown Land Management Act 2009*.

This currently includes:

- Provisions under the *Animal Welfare Act 1985* ensuring appropriate treatment of animals.
- Provisions under the *Dog and Cat Management Act 1995* primarily focused on the management of owned dogs and cats.
- Provisions under the *Landscape SA Act 2019* relating to declared pests and pest management, guiding landscape staff, landholders and individuals.
- Provisions under the *National Parks and Wildlife Act 1975* for the management of National Parks.
- RSPCA, AWL, veterinary sector and other community organisations providing shelter, treatment and rehoming services.

Cats and wildlife

Predation by feral cats is listed as a key threat under the national *Environment Protection and Biodiversity Conservation Act 1999* giving rise to the development of a threat abatement plan to address these risks at a national level.

In 2020, an Australian Parliamentary Inquiry into the problem of feral and domestic cats in Australia considered an overwhelming body of scientific evidence outlining the significant impact of cats on native species, and recognising the role of cats in causing species to become threatened, endangered and even extinct.

Learn more

Draft updated threat abatement plan for predation by feral cats

<https://consult.dcceew.gov.au/draft-updated-threat-abatement-plan-for-predation-by-feral-cats>

Tackling the feral cat pandemic: a plan to save Australian wildlife, Australian Parliament, 2020

https://www.aph.gov.au/Parliamentary_Business/Committees/House/Former_Committees/Environment_and_Energy/Feralanddomesticcats/Report

Returning cats to owners

We know there are many important social and health benefits for those who choose to share their homes with one or more pets. Cats are a popular pet choice, make wonderful companions and are much loved by their owners.

Responsible cat owners have their cat desexed and microchipped with up to date contact information, and care for its wellbeing. These owners seek laws to ensure their beloved pet can be returned to them safely should they become lost, in a similar way that the Act provides for dogs.

¹ DCCEEW 2023, *Threat abatement plan for predation by feral cats*, Department of Climate Change, Energy, the Environment and Water, Canberra.

Updating cat management

We know the current *Dog and Cat Management Act 1995* creates operational issues for officers working to manage cats in areas of the State where feral cats are problematic. This creates confusion and unintended barriers which result in inaction and further uncontrolled breeding.

Management of cats is a complex topic with shared responsibility by individuals, local, state and federal government, as well as non-government parties.

There are passionate perspectives within the community ranging from advocating for cats as part of a modified

environment, to significant concern for the wildlife impacts of feral cats. The community is interested in improvements to cat management, and this is frequently seen through public surveys, consultation and media reports and via Council's introducing by-laws.

Delivering good cat management will involve the efforts of many stakeholders and new partnerships. These proposed amendments focus on resolving existing issues in the Act, to allow local and state government to effectively manage cats in an appropriate and balanced approach.

Cat Management Process in the draft Dog and Cat Management (Cat Management) Amendment Bill 2024

Cat location

A cat is in an area described in Section 63 – Power to destroy cats.

(I.e. National Parks, etc., wilderness protection area, designated area, more than 1 kilometre from a residence, an area undergoing feral cat programs by Landscape Board or Crown Lands.)

Person

A cat may be destroyed by person described in Section 63.

Person

A cat may be seized and detained by person described in Section 64 – Power to seize and detain cats.

Persons operating under other Acts (such as Landscape SA Act) will have alternative arrangements prescribed in regulations.

Cat location

A cat is not in an area described in Section 63 – Power to destroy cats.

Person

A cat may be seized and detained by person described in Section 64 – Power to seize and detain cats (limited to authorised person, or with the permission of an authorised person).

Person must deliver the cat to a council facility for processing.

Process

Section 64 AA prescribes the process for a council facility to identify and return a cat to their owner.

Process

A cat may be destroyed or disposed in circumstances described in Section 64A.

(I.e. where an owner cannot be identified, or the cat is in ill health).

Cats may be classified as 'owned', 'semi-owned', 'unowned', 'pest' and 'feral' with various definitions applied. However there can be overlap of these classifications and throughout a cat's lifetime, they can transition from one classification to another.

These amendments introduce powers and processes based on a cat's location, a person's ability to seize and detain, and the required process once detained, rather than requiring a cat to be classified in accordance with a legislated definition.

Draft Dog and Cat Management (Cat Management) Amendment Bill 2024

The amendments included in the draft bill seek to:

- **Revise and update powers and functions for councils to seize and detain cats, implement by-laws, and deal with owned and unowned cats.**
- **Clarify powers and remove barriers for landscape boards, National Parks, and other stakeholders to better manage feral cats.**

Draft changes include:

- Insert new section 9A—Application of Act
- Amendment of section 63 – Power to destroy cats
- Amendment of section 64 – Power to seize and detain cats
- Insert new section 64AA— Procedure following seizure of cat
- Amendment of section 64A— Destruction or disposal of seized cat
- Amendment of section 64D—Notification to owner of dog or cat destroyed etc. under Part

The following pages include a detailed explanation of each amendment.

Section 9A—Application of Act

A proposed new section 9A aims to clarify a hierarchy that if there is an inconsistency between the Act and other South Australian legislation, so that the provisions of the Act are not a barrier to eradication programs for managing feral dogs or cats.

This provision does not target owned cats. This proposed new section would only be used if there is an inconsistency between the Act and another South Australian legislation in relation to undertaking a program to address feral cats and dogs. Such programs must comply with safeguards required by the other Act.

Current Dog and Cat Management Act 1995

Not in the current legislation.

Proposed change

9A—Application of Act

Nothing in this Act limits or otherwise affects a program to reduce or eradicate feral dogs or cats conducted under any other Act or law.

What do you think?

Do you agree with the introduction of Section 9A – setting out that the Dog and Cat Management Act does not limit or affect feral dog or cat control programs conducted under other Acts or laws?

Section 63 – Power to destroy cats

Various Acts enable cat management to be undertaken, including the *National Parks and Wildlife Act 1972*, *Wilderness Protection Act 1992*, *Crown Land Management Act 2009*, *Landscape South Australia Act 2019*, with the *Dog and Cat Management Act 1995* also prescribing powers under these Acts regarding cats.

We know the current *Dog and Cat Management Act 1995* creates operational issues for managing cats across the State creating barriers which result in inaction and uncontrolled breeding. The proposed amendments to section 63 aim to resolve the barriers.

N.B. the *Animal Welfare Act 1985* requires all animals to be treated humanely regardless of the powers provided in the *Dog and Cat Management Act 1995*.

Who has powers

Section 63 of the Act currently refers to ‘warden’, ‘authorised officer’ and ‘inspector’ in relation to the *National Parks and Wildlife Act 1972*, *Wilderness Protection Act 1992*, *Crown Land Management Act 2009*, *Landscape South Australia Act 2019* and the *Animal Welfare Act 1985*.

Contractors are often engaged to undertake pest management programs, as part of engaging a flexible workforce and bringing in expertise skills as required. Currently they are prevented from undertaking pest management programs in relation to cats.

Amendments to this provision propose to:

- Broadened language to recognise contractors and other persons lawfully performing functions under these Acts.
- Update wording in the definition of Prescribed Person, in Section 64D – Notification to owner of dog or cat destroyed etc. under Part 5A of the Act—Destruction, seizure and detention etc. of dogs and cats.

Operational barriers

Currently, a cat must be confirmed as ‘unidentified’ to exercise the power to destroy under *Crown Land Management Act 2009*, *Landscape South Australia Act 2019*, and *Animal Welfare Act 1985*.

This creates operational complexities and barriers for lethal feral cat control programs where trapping, frequent checking of traps, and scanning for a microchip is not practical or appropriate due to isolation of locations or urgency of biodiversity management. Lethal feral animal activities are governed by other legislation, including the Acts mentioned.

Amendments to this provision propose to:

- Treat persons lawfully performing functions under the *Crown Land Management Act 2009*, and *Landscape South Australia Act 2019* the same as those lawfully performing functions under the *National Parks and Wildlife Act 1972*, and *Wilderness Protection Act 1992*.
- Include clarifying provision to state that cats may be trapped and euthanised in these circumstances (section 63(1a)).

Amend distance from a residence where a cat may be destroyed

Currently a cat may be destroyed if found more than 1 kilometre from any genuine place of residence.

This means that landowners in rural areas have not been able to manage feral cat colonies on their own property even if it is more than 1 kilometre from a neighbouring residence.

Amendments to this provision propose to:

- Exempt a person's own place of residence. This will allow a person to manage feral cats on their own property, as long as the distance from any other genuine place of residence is greater than 1 kilometre or a distance set in regulation.
- Add a regulation making power so specific distances can be set, for example in a specific geographic location (for example Kangaroo Island).

Amend powers for persons authorised

Currently, section 63 (2) intends to give powers to authorised persons, however the wording has created barriers in application.

Amendments to this provision propose to:

- Allow for circumstances in which authorised persons may destroy cats, without seizure, to be provided in regulations.

What do you think?

Do you agree with the proposed amendments to section 63, updating the circumstances where cats may be lawfully destroyed?

Current Dog and Cat Management Act 1995

63—Power to destroy cats

- (1) A person may lawfully destroy or injure a cat in the following circumstances:
 - (a) if the person is a **warden** 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 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;
 - (c) if the cat is found in a place that is more than 1 kilometre from any place genuinely used as a place of residence;
 - (d) **if the cat is unidentified and—**
 - (i) the person is an authorised officer under the Crown Land Management Act 2009 and the cat is found in an area in respect of which the authorised officer is authorised to exercise powers under that Act; or
 - (ii) the person is an authorised officer under the Landscape South Australia Act 2019 and the cat is found while the person is acting in the ordinary course of the person's duties under that Act; or
 - (iii) **the person is an inspector under the Animal Welfare Act 1985 and the cat is found while the person is acting in the ordinary course of his or her duties under that Act; or**
 - (iv) the person is a **registered veterinary surgeon** acting in the ordinary course of his or her profession; or
 - (v) the person 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:
 - (A) the Royal Society for the Prevention of Cruelty to Animals (South Australia) Incorporated;
 - (B) the Animal Welfare League of South Australia, Incorporated;
 - (C) a body or person specified by the regulations.
- (2) Without limiting subsection (1), an authorised person may lawfully destroy or injure a cat in **any of the circumstances specified in that subsection.**
- (3) Nothing in this section limits the operation of section 34B of the Animal Welfare Act 1985.
- (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.

Proposed change

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 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;
 - (c) 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)**
 - (d) 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;
 - (e) 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;
 - (f) if the person is a **veterinarian** acting in the ordinary course of their profession;
 - (g) if the person 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:
 - (i) the Royal Society for the Prevention of Cruelty to Animals (South Australia) Incorporated;
 - (ii) the Animal Welfare League of South Australia, Incorporated;
 - (iii) a body or person specified by the regulations;
 - (h) **in any other circumstances prescribed by the regulations.**
 - (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.
- (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 34B of the *Animal Welfare Act 1985*.
 - (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.**

Section 64 – Power to seize and detain cats

Currently anyone can seize and detain an ‘unidentified’² cat and deliver it to a facility for the care of cats, as listed in the Act.

This creates uncertainty as a person is often not able to know if a cat is ‘identified’ or ‘unidentified’ until a cat has been seized and scanned for a microchip, nor can a person prevent a microchipped cat from entering a trap and becoming seized.

Secondly, there is no requirement for the facilities listed in the Act to accept a seized cat.

Finally, for cats that can be identified by means of microchip, the current setting requires them to be released back where they were seized. This means that owned microchipped cats that are lost, have no ability to be detained, scanned and returned to the owner.

To increase protections for cats that are not creating an offence under the Act, and to also remove the impractical barriers of seizing cats, a balanced approach is required. An effort has been made to align the provisions for cats to those existing for dogs, where possible.

Amendments to this provision propose to:

- Provide clarity on how seized and detained cats must be managed.
- Allow all cats to be seized and detained, not just unidentified cats, in specific scenarios.
- Restrict the ability to seize and detain to an authorised person, persons performing functions or a person with the permission of an authorised person.
- Ensure seizing and detaining of cats is undertaken pursuant to the conditions determined by councils.

What do you think?

Do you agree with the proposed amendments to section 64, modifying the circumstances where cats may be seized and detained by local councils?

² ‘Unidentified’ means a cat that is not microchipped or identified in the manner set out in the Act.

Current Dog and Cat Management Act 1995

64—Power to seize and detain cats

- (1) **A person** may seize and detain a cat in any of the following circumstances:
 - (a) the circumstances set out in section 63(1);
 - (b) any other circumstances set out in the regulations.
- (2) A person may seize and detain an unidentified cat **for the purpose of delivering it within 12 hours to—**
 - (a) a registered veterinary surgeon; or
 - (b) a facility for the care of cats operated by—
 - (i) the Royal Society for the Prevention of Cruelty to Animals (South Australia) Incorporated; or
 - (ii) the Animal Welfare League of South Australia, Incorporated; or
 - (iii) a body or person specified by the regulations; or
 - (c) a facility nominated by a council and approved by the Board at which cats may be detained,

however nothing in this subsection authorises the person to destroy the cat.

Proposed change

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;
 - (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.
- (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.
- (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—
 - (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
 - (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
 - (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.
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.

Section 64AA—Procedure following seizure of cat

There is a process for managing detained dogs in the Act however there is no specific process for managing cats that have been legally seized and detained. An authorised person responsible for detaining a cat has no guidance on how long to detain the cat before it can be rehomed or disposed of.

This has been creating inconsistency between council areas. Clarity is sought so that councils may choose to make arrangements for the detention of cats in a similar

manner to dogs. This approach considers that in many council areas, cat detention facilities will need to be approved over time, balanced with each community's cat management expectations.

Amendments to this provision propose to:

- Improve the outcomes for seized and detained cats, introducing a similar arrangement to the long-established process for dogs.

Current Dog and Cat Management Act 1995

Not in the current legislation.

Proposed change

64AA—Procedure following seizure of cat

- (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
 - (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
 - (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—
 - (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
 - (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.
- (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.

What do you think?

Do you agree with the proposed introduction of section 64AA – setting out the procedure councils and other bodies must follow in relation to a seized cat?

Section 64A—Destruction or disposal of seized cat

There is currently a disparity between how dogs and cats are managed by authorities, despite both needing to be microchipped, desexed and registered on Dogs and Cats Online by owners.

Amendments to this provision propose to:

- Provide instruction in determining to dispose of seized cat. These processes are based on the current processes for dogs.

Councils may dispose of cats by rehoming, transferring to a shelter or foster care organisation for care and rehoming. Councils may also utilise humane euthanasia where rehoming is not appropriate.

Current Dog and Cat Management Act 1995

64A—Destruction or disposal of seized cat

- (1) If a cat is seized and detained under this Division, the person responsible for the cat while so detained (other than a person referred to in section 64(2)) may cause the cat to be destroyed or otherwise disposed of.
- (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

Proposed change

64A—Destruction or disposal of seized cat

- (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—
 - (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
 - (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
 - (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.

What do you think?

Do you agree with the proposed amendments to section 64A – detailing the circumstances for disposal of a seized cat?

Section 64D—Notification to owner of dog or cat destroyed etc under Part

Amendments to this provision propose to:

- Update the definition of prescribed person. This reflects changes proposed for section 63, which are discussed earlier in this section.

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

- (1) A person who destroys, injures, seizes or detains a dog or an identified cat under this Part must, as soon as practicable—
- (a) take reasonable steps to inform the owner of the dog or cat of the action taken; and
 - (b) notify—
 - (i) if the action is taken in an area that is not within a council area—a police officer; and
 - (ii) if the action is taken within a council area—the council of that area.
- Maximum penalty: \$1 250. Expiation fee: \$210.
- (2) Subsection (1)(b) does not apply in the following circumstances:
- (a) if the person destroying, injuring, seizing or detaining a dog or cat is a prescribed person;
 - (b) any other circumstances prescribed by the regulations.

Current Dog and Cat Management Act 1995

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

- (3) In this section—
prescribed person means—
- (a) an authorised person; or
 - (b) a warden under the National Parks and Wildlife Act 1972 or the Wilderness Protection Act 1992; or
 - (c) an authorised officer under the Crown Land Management Act 2009; or
 - (d) an authorised officer under the Landscape South Australia Act 2019; or
 - (e) an inspector under the Animal Welfare Act 1985; or
 - (f) a registered veterinary surgeon; or
 - (g) a person acting for or on behalf of 1 of the following bodies or persons in respect of a dog or cat that has been delivered to a facility operated by the person or body:
 - (i) the Royal Society for the Prevention of Cruelty to Animals (South Australia) Incorporated;
 - (ii) the Animal Welfare League of South Australia, Incorporated;
 - (iii) a body or person specified by the regulations; or
 - (h) any other person prescribed by the regulations.

Proposed change

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

- (3) In this section—
prescribed person means—
- (a) an authorised person; or
 - (b) a person referred to in the following provisions:
 - (i) section 59D(c);
 - (ii) section 63(1)(a) or (d) to (g) (inclusive);
 - (iii) section 64(2)(a) to (e) (inclusive); or
 - (c) any other person prescribed by the regulations.

What do you think?

Do you agree with the proposed amendments to section 64D? These amendments reflect proposed changes to section 63.



Looking forward

Changes proposed in the draft *Dog and Cat Management (Cat Management) Amendment Bill 2024* focus on the powers and functions of councils and/or a person performing a seizing, detaining or destroying function under the *Dog and Cat Management Act 1995* or another relevant Act, to manage cats.

These amendments do not increase or decrease obligations for cat owners. Owners are already required to desex, microchip, and register the microchip number of their cat on Dogs and Cats Online. The proposed amendments do not include annual cat registration or requirements for cats to be prevented from wandering off property, as councils may already implement these actions.

Increasingly, owners understand the many risks roaming cats encounter. Roaming cats tend to have much shorter lifespans as they are exposed to traffic, attacks from other animals, untreated health conditions and injuries as well as extreme weather. They can also cause a nuisance

to neighbours and have a significant impact on wildlife. Undesexed roaming cats contribute to unwanted litters, and unsustainable volumes of rehoming opportunities.

Reflecting community sentiment, local councils are introducing by-laws to manage cats, however there are opportunities to improve how these operate. The state government has identified priorities to support cat management action in 2024-25, including:

- Cat desexing initiatives and grants to reduce unwanted litters.
- Supporting councils to develop and implement local by-laws.
- Community education promoting responsible pet ownership.

The government is keen to hear your thoughts on what potential future amendments could be made to address these problems on a state-wide level and gather your thoughts on the future of cat management in general.

What do you think?

Provide your views on what future actions you would like to see considered for cat management in South Australia

Have YourSAy

What do you think? Your feedback will help us understand the collective community views regarding dog and cat management expectations.

We will consider all feedback to finalise the draft Bill for Parliament to consider. A consultation report will be published on YourSAy. All respondents will be notified.



To have your say, complete the submission form on YourSAy at yoursay.sa.gov.au



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**Government
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Department for
Environment and Water