Draft for comment

South Australia

Dog and Cat Management (Breeder Reforms) Amendment Regulations 2025

under the *Dog and Cat Management Act 1995*

Contents

Part 1—Preliminary

1 Short title
2 Commencement

Part 2—Amendment of *Dog and Cat Management Regulations 2017*

3 Amendment of regulation 3—Interpretation
4 Amendment of regulation 6—Payments into and out of Fund
5 Amendment of regulation 7—Dogs held in custody of certain persons and bodies not required to be registered
6 Deletion of regulation 8
7 Amendment of regulation 9—Dogs to wear registration disc
8 Amendment of regulation 10—Requirements relating to microchipping dogs and cats—section 42A of Act
9 Amendment of regulation 12—Requirements relating to desexing dogs and cats—section 42E of Act
10 Amendment of regulation 13—Exemption from sections 42A, 42E and 70 of Act
11 Substitution of regulation 14
14 Recognition of certain interstate orders
12 Substitution of regulation 15
15 Power to destroy cats
13 Amendment of regulation 16—Power to seize and detain cats
16 Power to seize and detain cats
14 Substitution of regulation 17
17 Meaning of to breed and bred
17A Prescribed circumstances—section 70
17B Exemption
17C Prescribed offences—section 71
17D Prescribed offences—section 71D
17E Dealing with dogs and cats where breeder's licence suspended or cancelled
17F Offence to sell etc dogs of prescribed breed
15 Amendment of regulation 18—Requirement that dog or cat be microchipped and desexed before sale—section 70 of Act
16 Amendment of regulation 19—Information to be given to buyers
17 Amendment of regulation 20—Guard dogs

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Dog and Cat Management (Breeder Reforms) Amendment Regulations 2025*.

2—Commencement

(1) Subject to this regulation, these regulations come into operation on the day they are made.

(2) Regulation 3(1) comes into operation on the day that section 4(5) of the *Dog and Cat Management (Breeder Reforms) Amendment Act 2025* comes into operation.

(3) Regulation 4 comes into operation on the day that section 11(2) of the *Dog and Cat Management (Breeder Reforms) Amendment Act 2025* comes into operation.

(4) Regulations 6 and 7 come into operation on the day that section 15 of the *Dog and Cat Management (Breeder Reforms) Amendment Act 2025* comes into operation.

(5) Regulation 10(1) and (3) come into operation on the day that section 43 of the *Dog and Cat Management (Breeder Reforms) Amendment Act 2025* comes into operation.

(6) Regulation 11 comes into operation on the day that section 36 of the *Dog and Cat Management (Breeder Reforms) Amendment Act 2025* comes into operation.

(7) Regulations 14 to 15 (inclusive) come into operation on the day that section 43 of the *Dog and Cat Management (Breeder Reforms) Amendment Act 2025* comes into operation.

(8) Regulation 16 (other than subregulation (5)) comes into operation on the day that section 43 of the *Dog and Cat Management (Breeder Reforms) Amendment Act 2025* comes into operation.

(9) Regulation 17 comes into operation on the day that section 15 of the *Dog and Cat Management (Breeder Reforms) Amendment Act 2025* comes into operation.

Part 2—Amendment of *Dog and Cat Management Regulations 2017*

3—Amendment of regulation 3—Interpretation

(1) Regulation 3, definition of ***registered breeder***—delete the definition

(2) Regulation 3, definition of ***notice of extension***—delete the definition

4—Amendment of regulation 6—Payments into and out of Fund

(1) Regulation 6(1) and (2)—delete subregulations (1) and (2) and substitute:

(1) For the purposes of section 26(5) of the Act, the scheme is as follows:

(a) in the case of a prescribed council—any money paid under this Act in relation to the registration of dogs in the area of a prescribed council is to be distributed as follows:

(i) 76% is to be paid to or retained by the prescribed council;

(ii) 24% is to be paid into or retained in the Fund.

(b) in any other case—any money paid under this Act in relation to the registration of dogs is to be distributed as follows:

(i) 88% is to be paid to or retained by the council in whose area the dog is kept;

(ii) 12% is to be paid into or retained in the Fund.

(2) Regulation 6(3)—delete "to a council under subregulation (2)" and substitute:

referred to in subregulation (1)(a)(i) and (1)(b)(i)

5—Amendment of regulation 7—Dogs held in custody of certain persons and bodies not required to be registered

Regulation 7(d)—delete "registered veterinary surgeon" and substitute:

veterinarian

6—Deletion of regulation 8

Regulation 8—delete the regulation

7—Amendment of regulation 9—Dogs to wear registration disc

Regulation 9(1)(b)—delete paragraph (b)

8—Amendment of regulation 10—Requirements relating to microchipping dogs and cats—section 42A of Act

(1) Regulation 10(1)(b)(iii)—delete subparagraph (iii)

(2) Regulation 10(1)(d)—delete "registered veterinary surgeon" wherever occurring and substitute in each case:

veterinarian

(3) Regulation 10(3)—delete subregulation (3)

9—Amendment of regulation 12—Requirements relating to desexing dogs and cats—section 42E of Act

(1) Regulation 12(1)(a)(iii)—delete subparagraph (iii)

(2) Regulation 12(1)(b)—delete "registered veterinary surgeon" and substitute:

veterinarian

(3) Regulation 12(6)—delete subregulation (6)

10—Amendment of regulation 13—Exemption from sections 42A, 42E and 70 of Act

(1) Regulation 13, heading—delete "70" and substitute:

71H

(2) Regulation 13—delete "registered veterinary surgeon" wherever occurring and substitute in each case:

veterinarian

(3) Regulation 13(1)—delete "70" and substitute:

71H

11—Substitution of regulation 14

Regulation 14—delete the regulation and substitute:

14—Recognition of certain interstate orders

For the purposes of section 59C(2) of the Act, a prescribed interstate order is to be registered by the Minister entering the order on the register kept by the Board for the purposes of that section.

12—Substitution of regulation 15

Regulation 15—delete the regulation and substitute:

15—Power to destroy cats

(1) For the purposes of section 63(1)(f)(ii)(B) of the Act, a person or body approved by the Board is specified.

(2) For the purposes of section 63(2) of the Act, the following circumstances are prescribed:

(a) if the authorised person finds the cat—

(i) 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*); or

(ii) in an area declared to be a designated area under section 63(4) of the Act;

(iii) in a place that is more than the prescribed distance (within the meaning of section 63(6) of the Act) from any genuine place of residence; or

(b) the circumstances referred to in section 63(1)(a), (b) or (c) of the Act (being circumstances in which the authorised person could, if they were a person performing functions under an Act referred to in those paragraphs, lawfully destroy or injure a cat).

13—Amendment of regulation 16—Power to seize and detain cats

Regulation 16—delete the regulation and substitute:

16—Power to seize and detain cats

(1) For the purposes of section 64(1)(b), an authorised person may seize and detain a cat (including, to avoid doubt, an identified cat) if—

(a) the council for the area in which the cat is seized and detained has made a by-law that is in force requiring cats to be controlled, secured or confined in a specified manner or in specified circumstances; and

(b) the cat is not controlled, secured or confined as required by the by-law.

(2) For the purposes of section 64(2)(b)(iii) of the Act, a person or body approved by the Board is specified.

14—Substitution of regulation 17

Regulation 17—delete the regulation and substitute:

17—Meaning of to breed and bred

(1) For the purposes of section 68(2) of the Act, the following circumstances are prescribed:

(a) where a puppy or kitten is birthed by a dog or cat surrendered to an animal welfare organisation or a council (being a dog or cat that was pregnant when so surrendered);

(b) where a puppy or kitten is sired by a dog or cat surrendered to an animal welfare organisation or a council (being a puppy or kitten sired before the dog or cat was so surrendered):

(c) where a puppy or kitten is sired or birthed by a dog or cat surrendered to an animal welfare organisation or a council (being a puppy or kitten sired or birthed in the facility operated by the animal welfare organisation or council where the organisation or council has taken reasonable steps to prevent such an occurrence).

(2) For the purposes of section 68(3)(e) of the Act, an act or omission, or acts or omissions of a class, determined by the Board is prescribed.

17A—Prescribed circumstances—section 70

For the purposes of section 70(2) of the Act, such circumstances as may be determined by the Board are prescribed.

17B—Exemption

(1) Pursuant to section 91(2)(e) of the Act, the Board may, on an application made in accordance with this regulation and by notice in writing, exempt a specified person, or persons of a specified class, from the operation of section 70(1) of the Act.

(2) An application for an exemption 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 may refuse to grant an exemption for any reason the Board thinks fit.

(4) 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.

(5) An exemption may be conditional or unconditional.

(6) A person must not, without reasonable excuse, contravene a condition of an exemption.

Maximum penalty: $10 000.

Expiation fee: $750.

17C—Prescribed offences—section 71

For the purposes of section 71(3)(b) of the Act, the following offences are prescribed:

(a) an offence under Part 3 of the *Animal Welfare Act 1985*;

(b) contravention of a prohibition order under section 59A of the Act;

(c) contravention of a Control (Dangerous Dog) order under section 50(3) of the Act.

17D—Prescribed offences—section 71D

For the purposes of section 71D(1)(c)(ii) of the Act, the following offences are prescribed:

(a) an offence under Part 3 of the *Animal Welfare Act 1985*;

(b) contravention of a prohibition order under section 59A of the Act;

(c) contravention of a Control (Dangerous Dog) order under section 50(3) of the Act.

17E—Dealing with dogs and cats where breeder's licence suspended or cancelled

(1) For the purposes of section 71E of the Act, 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 determined by the Board.

(2) Without limiting any other provision of the Act, an authorised person may seize and detain a dog or cat referred to in subregulation (1).

(3) Without limiting the generality of subregulation (1), an authorised person may, by notice in writing, give such directions to the holder of the breeder's licence as the authorised person considers necessary or appropriate.

(4) 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 person in a manner and form approved by the Board; and

(c) takes effect when the authorised person first gives the written notice to the person; and

(d) may be conditional or unconditional; and

(e) may relate to 1 or more dogs or cats.

(5) A direction given under subregulation (3) may be revoked by the authorised person or the Board by written notice to the person to whom the direction was given.

(6) A person who contravenes a direction under subregulation (3) is guilty of an offence.

Maximum penalty: $5 000.

Expiation fee: $500.

(7) If a person contravenes a direction under subregulation (3), the authorised person or the Board may take any action required under the direction.

(8) The cost of taking action under this regulation may be recovered from the person to whom the direction was given as a debt due to the Board.

17F—Offence to sell etc dogs of prescribed breed

For the purposes of section 71G(2)(c) of the Act, the following bodies and persons are prescribed:

(a) a council;

(b) a person or body approved by the Board.

15—Amendment of regulation 18—Requirement that dog or cat be microchipped and desexed before sale—section 70 of Act

(1) Regulation 18, heading—delete "70" and substitute:

71H

(2) Regulation 18(1)—delete "70(1)" and substitute:

71H(1)

(3) Regulation 18(2)—delete "70(2)" and substitute:

71H(2)

(4) Regulation 18(3)—delete "70" and substitute:

71H

(5) Regulation 18(4)—delete "70(5)" and substitute:

71H(5)

(6) Regulation 18(4)(a)—delete paragraph (a) and substitute:

(a) in respect of the requirement under section 71H(2) of the Act—the dog or cat from one licensed breeder to another licensed breeder;

16—Amendment of regulation 19—Information to be given to buyers

(1) Regulation 19(1)—delete "71(1)(a)" and substitute:

71I(1)(a)

(2) Regulation 19(2)—delete "71(1)(b)" and substitute:

71I(1)(b)

(3) Regulation 19(2)(b)—delete paragraph (b) and substitute:

(b) if a breeder is a licensed breeder—any other information required by the Board.

(4) Regulation 19(3)—delete "71(1)(c)" and substitute:

71I(1)(c)

(5) Regulation 19(3)(b)(i)—delete "registered veterinary surgeon" and substitute:

veterinarian

(6) Regulation 19(4)—delete "71(1)(d)" and substitute:

71I(1)(d)

(7) Regulation 19(5)—delete "71(1)(e)'" and substitute:

71I(1)(e)

(8) Regulation 19(5)(b)—delete paragraph (b)

(9) Regulation 19(6)—delete "71(2)(a)" and substitute:

71I(2)(a)

(10) Regulation 19(7)—delete "71(2)(b)" and substitute:

71I(2)(b)

(11) Regulation 19(7)(b)—delete paragraph (b) and substitute:

(b) if a breeder is a licensed breeder—any other information required by the Board.

(12) Regulation 19(8)—delete "71(3)" and substitute:

71I(3)

(13) Regulation 19(8)(a)(i)—delete "registered breeder" wherever occurring and substitute in each case:

licensed breeder

17—Amendment of regulation 20—Guard dogs

Regulation 20(1)—delete "or, if the dog is used in a business registered under the Act, the owner or operator of the business"

Editorial note—

As required by section 10AA(2) of the *Legislative Instruments Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

following the giving of notice to the Board, and consideration of submissions, by the Minister and with the advice and consent of the Executive Council
on

No of 2025