

Proposed amendments to the *Dog and Cat Management Act 1995* to improve cat management

What we heard



Government
of South Australia

Department for
Environment and Water

Executive Summary

The South Australian Government has reviewed the *Dog and Cat Management Act 1995* (the Act) and has proposed legislative amendments to address identified issues to improve the way cats may be managed throughout the state.

The development of these amendments began in 2022, with consultation occurring with cat rescue and shelter groups, as well as councils, landscape boards and other authorised bodies. The government consulted on proposed legislative amendments via YourSAy between July and September 2024.

The proposed amendments focused on improving legislative mechanisms for the effective management of cats, with no additional responsibilities imposed on cat owners.

Key themes from the consultation

You strongly supported:

- Enabling appropriate feral cat controls in specific circumstances
- Improving processes for the seizing of cats
- Implementing processes for detaining cats, similar to dogs
- Implementing clear rules regarding the disposal and destruction of cats.

You raised concerns about:

- Lack of definitions for cats
- Decision making on disposal or destruction of cats
- Ability to destroy cats in specific circumstances without checking for identification
- Inconsistencies between council cat by-laws.

Your feedback identified some areas requiring consideration for amendments to the draft Bill. These areas include:

- Modernising language around powers to destroy or injure cats
- Ensuring strategies enabling feral cat management include appropriate protections for pet cats
- Adjusting powers for trapping cats to enable councils, other stakeholders and the community to take appropriate action
- Revising the provisions for the handling of trapped cats.

Some feedback received during the consultation process was beyond the scope of the draft Bill but has been captured and will be considered during policy and regulation development.

Introduction

Background

The *Dog and Cat Management Act 1995* (the Act) establishes South Australia's legal framework for managing dogs and cats. The aims of the Act are to encourage responsible ownership, to reduce public and environmental nuisance and to promote effective dog and cat management.

The Act outlines the responsibilities of dog and cat owners, and breeders and establishes the Dog and Cat Management Board.

In 2018, breeder registration and mandatory desexing and microchipping of dogs and cats was introduced, along with the statewide register, Dogs and Cats Online.

The Act was reviewed in 2022 to assess the effectiveness of the 2018 changes and to identify the legislative reforms needed to ban puppy factories and other possible improvements, including cat management.

Public consultation on the Dog and Cat Management (Breeder Reforms) Amendment Bill 2024 was undertaken between May and June 2024. These amendments address the Government's commitment to ban puppy factories and propose increased penalties for dog attacks and other offences. Breeder reform amendments were introduced to Parliament on 25 September 2024. A consultation report is available at <https://yoursay.sa.gov.au/breeder-reforms>.

Managing cats in South Australia

The Act provides the framework for the management of all cats across other relevant legislation. 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 cats (and dogs).
- Provisions under the *Landscape SA Act 2019* and the *Crown Land Management Act 2009* relating to declared pests and pest management, guiding landscape boards, landholders, land managers and individuals.
- Provisions under the *National Parks and Wildlife Act 1975* and the *Wilderness Protection Act 1992* for the management of National Parks and wilderness protection zones.
- RSPCA, AWL, veterinary sector and other community organisations providing shelter, treatment and rehoming services.

Management of cats is a shared responsibility by individuals, local, state and federal government, as well as non-government parties. These parties have identified operational issues and barriers to current and future cat management needs.

The draft Bill

Feedback to the government relating to cat management, captured over the previous two years, culminated in the preparation of the draft Dog and Cat Management (Cat Management) Amendment Bill 2024 (the draft Bill).

The draft Bill was released for public and stakeholder consultation in July 2024. Amendments proposed 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.**

The public consultation process is valuable in identifying further opportunities to improve laws and management frameworks in South Australia.

Diverse community opinions were considered in identifying potential cat management amendments.

Next steps

The feedback provided through stakeholder conversations and public consultation has identified improvements to the draft Bill. DEW will coordinate the amendments process, to prepare a Bill for introduction into the South Australian Parliament. Parliamentary debate may result in further amendments. When passed by both houses, the Bill will be assented to by the Governor, and become part of South Australian law.

In addition to legislative amendments, the government is developing a statewide cat management strategy, with consultation to occur in 2025.

Who we heard from

Snapshot

yourSAy



5.7k
visitors
to YourSAy

446
responses
to YourSAy
survey



219
written
submissions

32
submissions
from the local
government
sector



How we engaged

The draft Bill, an explanatory paper, frequently asked questions and a survey were published on YourSAy for an 8 week public and stakeholder engagement process from 10 July to 4 September 2024.

The survey asked questions about each section of the draft Bill and provided opportunities for additional comments. The survey also asked questions about opinions on possible future cat management activities. Participants also had the option of providing a written submission to the Department for Environment and Water (DEW).

The draft Bill was promoted via social and traditional media and over 1000 organisations, groups and individuals with an interest in cat management were notified by email.

All comments and submissions have been considered as part of this review process. This report provides statistics and summaries of the main themes provided in public, council and stakeholder contributions.

Who we heard from

We received 446 responses from individuals to the survey and 219 written contributions from stakeholders and members of the community, in addition to 32 from local councils and the Local Government Association of South Australia (LGA).

Organisations

Submissions identified as being made on behalf of an organisation (whether submitted by email or through YourSAy) included:

- Animal Justice Party SA
- Animal Welfare League SA (AWL)
- Australian Institute of Animal Management (AIAM)
- Australian Pet Welfare Foundation
- Australian Veterinary Association
- Biodiversity Council
- Birds SA
- Cat rescue coalition (18 groups)
- C.A.T.S. Assistance To Sterilise Incorporated
- Conservation Council SA
- Four Paws
- Getting to Zero (G2Z)
- Green Adelaide Landscape Board
- Landscape Boards (group submission)
- Law Society of South Australia
- Love Rescue Collaborate
- Royal Society for the Prevention of Cruelty to Animals SA (RSPCA)
- South Aussies for Animals

Councils

- Local Government Association SA (LGA)
- Adelaide City Council
- Adelaide Plains Council
- Alexandrina Council
- Campbelltown City Council
- City of Burnside
- City of Charles Sturt
- City of Holdfast Bay
- City of Marion
- City of Mitcham
- City of Mount Gambier
- City of Norward Payneham and St Peters
- City of Playford
- City of Onkaparinga
- City of Port Adelaide Enfield Council
- City of Salisbury
- City of Tea Tree Gully
- City of Unley
- City of Victor Harbor
- City of West Torrens
- City of Whyalla
- District Council of Ceduna
- District Council of Grant
- District Council of Streaky Bay
- District Council of Yankalilla
- Light Regional Council
- Mid Murray Council
- Roxby Downs Council
- Rural City of Murray Bridge
- The Barossa Council
- Wakefield Regional Council
- Wattle Range Council

YourSAy survey respondents

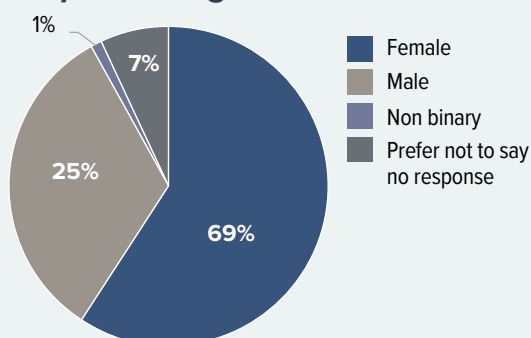
The YourSAy survey included a range of preliminary questions, to provide insight into who was responding.

Responders spanned all age and gender categories, noting that 60% of respondents identified as female, demonstrating higher participation of females than the state demographics.

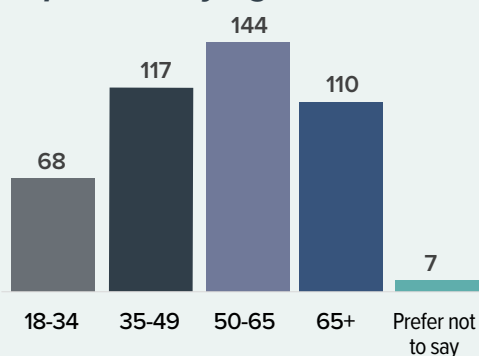
The survey attracted responses from both metropolitan and regional locations in South Australia. The percentages reflect South Australian representation, with 4 out of 5 people living within greater Adelaide.

Responders had a mix of experiences in dog and cat management. 51% of responders were current cat owners and 37% current dog owners. 1% of responders reported being a dog or cat breeder. Most (81%) of the responses came from individuals who do not have a professional involvement with dog and cat management. A smaller number of responses came from individuals within the volunteer sector, councils and the veterinary sector.

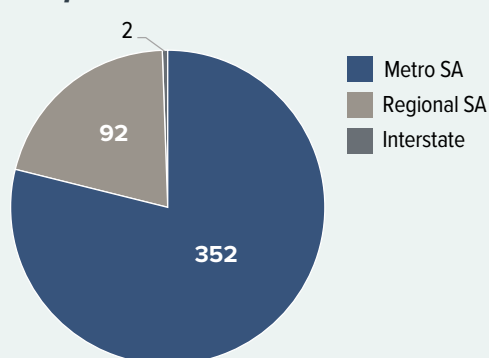
Responders' gender



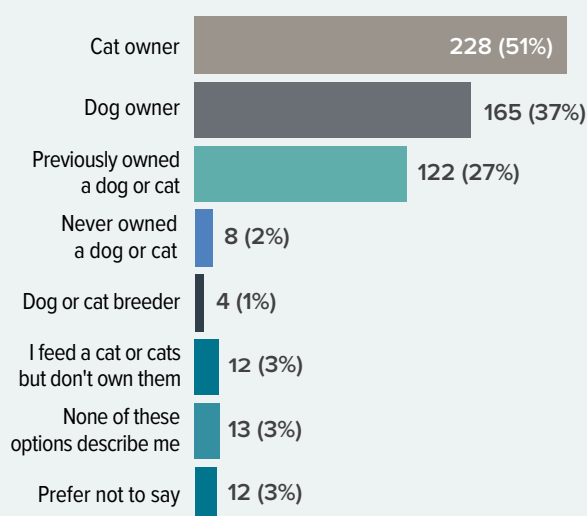
Responders by age



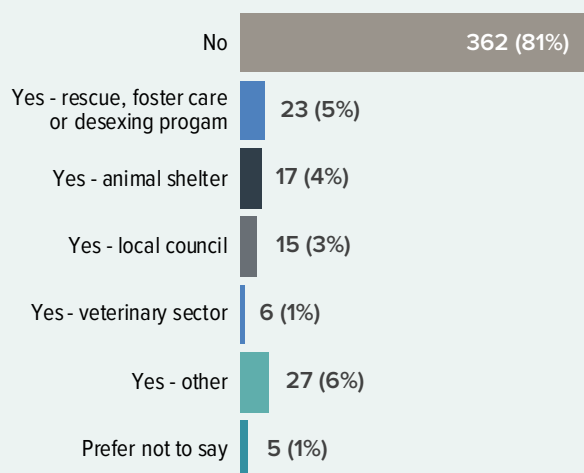
Responders' location



Dog and cat ownership



Professional or voluntary involvement with dog and cat management



What we heard

Overarching comments

Snapshot



- Long term statewide cat management strategies and action plan are required
- Strategies and plans need to strike an appropriate balance between supporting responsible pet cat ownership and managing threats to wildlife
- Language and terms in the Act should be modernised
- Approaches to cat management should support responsible cat ownership, desexing programs and rehoming, and humane euthanasia, where required

Stakeholders and the general public agree that amendments are required to the Act to provide better mechanisms to manage cats consistently across South Australia.

As anticipated, there was mixed support across all proposed amendments and a variety of perspectives about appropriate management solutions.

Overall, public feedback was supportive of the proposed amendments relating to cat management.

Feedback from the local government sector was mostly supportive, although there was a variety of views expressed within the sector. The LGA, and a number of councils, called for comprehensive statewide cat management provisions to be contained in the the Act to achieve a consistent approach throughout the state. Some comments noted limitations of using by-laws to achieve this outcome. Some councils supported the implementation of a statewide cat management strategy, however sought adequate time for implementation to ensure appropriate resourcing.

Shelters and rescue organisations were in favour of the development of a statewide cat management strategy prior to undertaking legislative reform and expressed a lack of support for the proposed amendments in the Bill, until such a strategy is in place. Suggestions were made to modernise the language and to incorporate hierarchies that explicitly prioritise returning cats to owners or rehoming, with euthanasia as a last resort. As all cats are impacted definitions of categories of cats was also strongly recommended.

Other stakeholders, including land managers and environmental conservationists generally supported the draft Bill, noting the improved ability to manage feral cat populations. Feedback also included suggestions to go further and require all cats to be contained to property or increase powers to seize cats that pose a threat to native wildlife.

A variety of suggestions from individuals and stakeholders were made for further improvement, including:

- Introducing similar laws for cats as there are for dogs
- Mechanisms for greater protections for native wildlife
- Reduce the distance from a residence that a cat may be destroyed
- Introduce offences to those feeding unowned cats
- Greater ability to trap all cats not just unidentified cats
- Introduce/don't introduce cat containment
- Greater support for responsible pet ownership (including subsidised/free desexing and microchipping to ensure owners are compliant with the Act)
- Recognition of, and support for community rescue groups
- Limit euthanasia where possible
- Modernise language and introduce definitions of cats.

Application of Act (Section 9A)

A new section 9A proposed to clarify that if there is an inconsistency between the *Dog and Cat Management Act 1995* and other South Australian legislation, the provisions of the Act are not a barrier to eradication programs for managing feral dogs or cats.

Such programs must comply with all safeguards required by other laws and administrative arrangements.

Snapshot

- Seek definitions for cat type (in particular “feral”)



The intent of this new section was mostly supported.

A number of respondents sought the inclusion of definitions for different categories of cats. There was a focus on the distinction between feral cats and other categories including domestic, semi-owned and stray. Similarly, comments called for distinct management approaches to be applied for each defined category.

However, feedback was also received that did not support the inclusion of definitions for various categories of cats, identifying that this may create barriers in practice.

Further considerations and changes

Following amendments to other sections within the Bill, this section will be revisited to determine if it is required.

YourSAy	Local government	Shelters and rescues	Other stakeholders
Agree	Agree	Disagree	Mixed

YourSAy survey

Application of Act (Section 9A)

This new section will be added to ensure other State legislation governing feral cat management can operate lawfully. Do you agree?

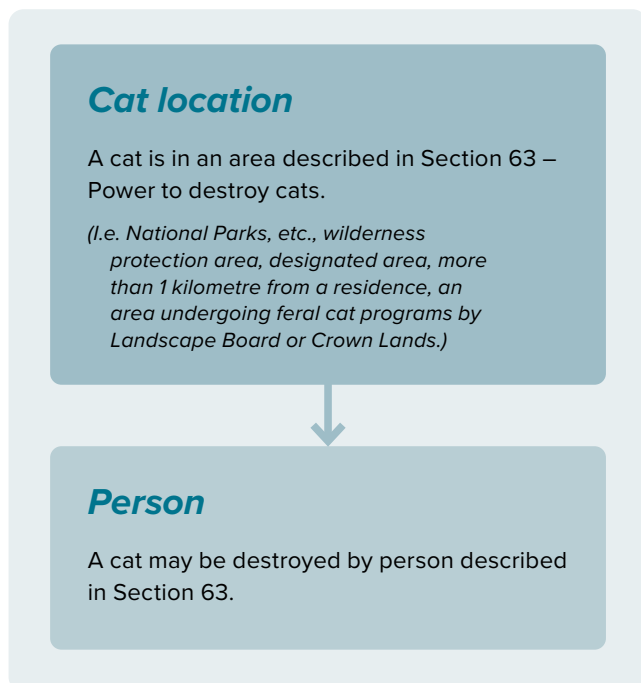


● Strongly disagree ● Disagree ● Neither agree nor disagree ● Agree ● Strongly agree

Power to destroy cats (Section 63)

Powers currently set out in section 63 lack clarity and create operational issues and barriers to managing cats, resulting in inaction and uncontrolled breeding.

Amendments proposed to section 63 include changing who has powers to destroy cats, based on the location of the cat.



Amendments to this section 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 a clarifying provision that cats may be trapped and euthanised in specific circumstances.
- Broaden 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.
- Exempt a person's own place of residence to 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 that in certain circumstances, distances can be set.
- Allow for circumstances in which authorised persons may destroy cats, without seizure, to be provided in regulations.

Snapshot



- Modernise the language
- Greater restrictions on power to euthanise
- Greater powers for councils to control cats on public land, and landowners to control cats within 1 kilometre of another residence with the landholder's permission
- Actions to be based on defined categories of cats
- Increase desexing actions

YourSay	Local government	Shelters and rescues	Other stakeholders
Mixed	Agree	Disagree	Agree

The general public had mixed views about the amendments proposed for section 63, ranging from the majority showing 'strongly support', to the second highest category showing 'strongly disagree'.

Comments were varied, addressing the negative impact of cats on native wildlife, as well as concerns about ensuring individuals act humanely in carrying out duties under this section. Feedback was also provided about the way cats can be defined, expressing a need for distinct management approaches for feral and pet cats.

Councils were supportive of the proposed amendments that expand cat management powers in areas outside of council control. More information was sought on the regulation making powers and the circumstances in which an authorised person may lawfully destroy a cat.

Shelters and rescue organisations did not generally support the proposed amendments, noting concerns about the qualifications of the person destroying cats, and cats being destroyed prior to being scanned for a microchip. The sector is in favour of increased efforts, including resourcing for cat desexing activities, to reduce populations over time.

Other stakeholders expressed support for the proposed amendments that allow landowners or land managers to undertake cat controls on their property.

Further considerations and changes

A holistic, statewide cat management strategy is to be developed in consultation with industry and stakeholders, alongside legislative amendments.

YourSAY survey

The draft amendment Bill includes proposed amendments to improve how Councils and other stakeholders manage cats in South Australia. Survey responders were asked to indicate their level of support for each aspect of the proposed amendments.

Persons authorised

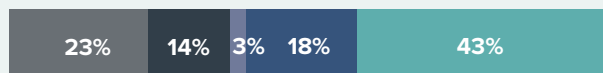
This section of the Act currently refers to 'warden', 'authorised officer' and 'inspector' in relation to *the National Parks and Wildlife Act 1972*, *Wilderness Protection Act 1992*, *Crown Land Management Act 2009*, *Landscape South Australia Act 2019* and the *Animal Welfare Act 1985*.

Amendments to this provision propose to broaden language to recognise contractors and other persons lawfully performing functions under these Acts.



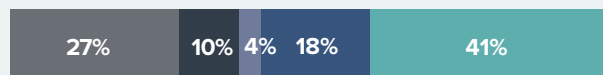
Feral cat control

Proposed that references to 'unidentified' cats be removed to allow lawful feral cat control under the *Crown Land Management Act 2009* and the *Landscape South Australia Act 2019*, bringing these laws in line with controls permitted under the *National Parks and Wildlife Act*.



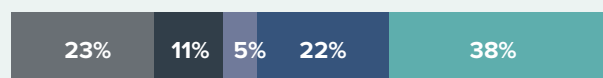
Distance from residence

It is proposed to amend this section so that rural landowners more than 1 kilometre from a neighbour can lawfully control feral cats on their own property.



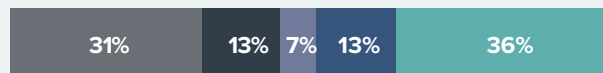
Regulation to set distance from residence

A regulation to set specific distances is proposed to allow lawful feral cat eradication programs in targeted environments.



Amend powers for council authorised persons

Amendments to section 63 (2) propose to allow for circumstances in which authorised persons may destroy cats, without seizure, to be provided in regulations.



● Strongly disagree ● Disagree ● Neither agree nor disagree ● Agree ● Strongly agree

Seizing and detaining cats (Sections 64, 64AA, 64A, 64D)

Section 64 – Power to seize and detain cats

Amendments in this section propose to allow identified, and unidentified, cats to be seized and detained in appropriate circumstances.

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 in specific scenarios, not just unidentified cats.
- 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.

Snapshot

- Mixed feedback on who should be permitted to trap, including the roles and responsibilities of individuals, authorised persons, and volunteer shelter and rescue groups
- Seek guidelines for trapping



YourSAy	Local government	Shelters and rescues	Other stakeholders
Disagree	Disagree	Disagree	Mixed

All stakeholder groups sought change to the this section of the Act; however, the proposed amendments in the Bill were mostly unsupported, with concerns about who could trap cats being the primary issue. There was no consensus amongst stakeholder groups as to who should be permitted to trap cats. Some stakeholders expressed the opinion that only trained authorised officers, or rescue organisations should undertake trapping, and others sought unlimited power for members of the public to trap cats on, or off, their property. Respondents did not support the proposed council approval requirement to undertake trapping.

Further considerations and changes

These proposed amendments were broadly unsupported due to the heightened level of administration involved to seize and detain (trap) a cat.

Further consideration will be given to the appropriate balance of powers for a person to seize and detain a cat.

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 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.

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 detained cats.

This new provision proposes to:

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

Snapshot



- Seek clear responsibilities for managing trapped cats
- Mixed feedback about minimum time prior to disposal/destruction
- Concerns for outcomes of trapped cats, including animal welfare, inappropriate or unlawful destruction, and availability of detention facilities
- Seek clarification on regulation making powers

YourSay	Local government	Shelters and rescues	Other stakeholders
Agree	Disagree	Mixed	N/A

The proposed minimum period of detention prior to destruction or disposal of a cat received mixed feedback across, and within, all stakeholder groups. Some sought a longer holding periods for all cats, some supported the proposed 72 hours, and others suggested unidentified cats may be euthanised without mandated holding periods.

Members of the public expressed concerns about existing arrangements that require trapped cats to be delivered to vets, RSPCA, AWL or a council, without the requirement for these organisations to accept the cat. Resolving this issue is supported. Allowing transitional times to establish detention facilities was suggested.

Council feedback was mixed, leaning towards not supported, due to the current lack of detention facilities available to detain trapped cats for a minimum of 72 hours.

This concern was also shared by shelters and rescues.

Further considerations and changes

Further consideration will be given to the appropriate legislative processes a person may action in relation to a cat they have seized.

Section 64A—Destruction or disposal of seized cat

The proposed amendment to allow both identified and unidentified cats to be seized and detained under section 64, required amendments to section 64A to account for identified cats.

Amendments to this provision propose to:

- Specify circumstances in which councils may dispose of seized cats. These processes are based on the current processes for dogs.

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

Snapshot



- Seek guidelines for euthanasia decision making
- Transparency on euthanasia data
- Consider trap-neuter-return or release programs
- Cost recovery for services

YourSay	Local government	Shelters and rescues	Other stakeholders
Agree	Agree	Mixed	N/A

The public were generally supportive of the proposed amendments, with rehoming as a preferred option.

Council feedback was mostly supportive, noting concerns about detention facility availability.

The shelter and rescue organisations sought greater prioritisation of rehoming over euthanasia to be reflected in the amendments. Some expressed strong disagreement on authorised officers making the decision about euthanasia.

Further considerations and changes

The process for destruction or disposal of a seized cat will be reconsidered in light of feedback received, as well as to align with changes made to sections 64 and 64AA.

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

Section 64D refers to prescribed persons, being persons identified as having a power to destroy cats under section 63. Amendments to section 64D are required to reflect the proposed changes to who has these powers.

Amendments to this provision propose to:

- Update the definition of prescribed person to reflect changes proposed for section 63 which are discussed earlier in this section.

YourSAy	Local government	Shelters and rescues	Other stakeholders
Agree	Agree	Mixed	N/A

This proposed amendment is largely consequential to changes proposed to earlier sections. Limited written feedback was received from stakeholders on this section.

Some respondents suggested that anyone exercising the power to destroy should be required to notify the owner, council or police, and formal records should be kept. Other comments identified circumstances, for example if a cat is surrendered, where this provision is not appropriate.

Further considerations and changes

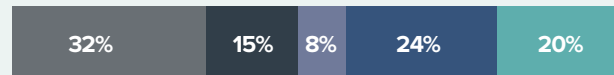
If required, proposed changes to section 64D will be revised to align with the powers set out in updated sections 63 and 64.

YourSAy survey

The draft amendment Bill includes proposed amendments to improve how Councils and other stakeholders manage cats in South Australia. Survey responders were asked to indicate their level of support for each aspect of the proposed amendments.

Power to seize and detain cats (Section 64)

Currently anyone can seize and detain an 'unidentified' cat and deliver it to a facility for the care of cats, as listed in the Act. Amendments are proposed to restrict the ability to seize and detain to authorised persons, persons performing functions, or a person with the permission of an authorised person and to provide clarity on how seized and detained cats must be managed.



Procedure following seizure of cat (Section 64AA)

Currently there is no specific process for managing cats that have been legally seized and detained. Amendments propose to improve the outcomes for seized and detained cats, introducing a similar arrangement to the long-established process for dogs (return to owner if possible, scan for microchip, display notice).



Detention time following seizure of cat (Section 64AA)

A minimum 72 hour detention period, the same as dogs, is proposed to give owners time to collect cats.



Destruction or disposal of seized cat (Section 64A)

Amendments propose to provide instruction to councils in determining when 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.



Notification to owner of a destroyed dog or cat (Section 64D)

Draft amendments to section 64D are proposed to update the definition of prescribed person, reflecting changes proposed for section 63, which are discussed earlier in this section.



● Strongly disagree ● Disagree ● Neither agree nor disagree ● Agree ● Strongly agree

Looking forward

Changes proposed in the draft Bill focused 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 Acts, to manage cats.

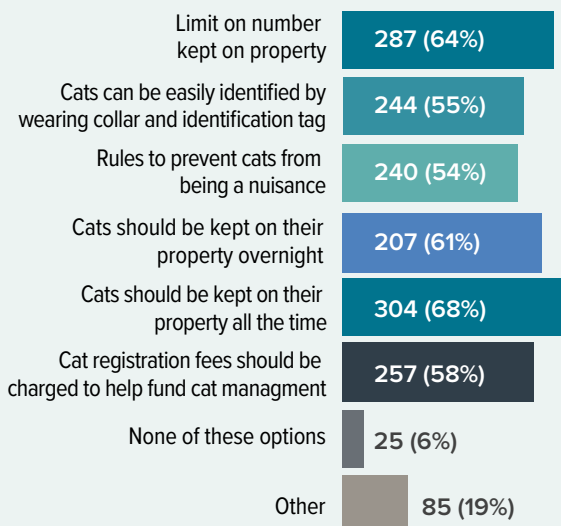
The proposed amendments did not include any additional requirements for owners; however, feedback was sought on what future regulations and/or actions the public and stakeholders would support.

Overall, survey respondents, and those who submitted written submissions were supportive of additional cat management options beyond what was proposed in the Bill, for councils to address through by-law making or for future statewide legislation.

In addition to the multiple choice options, survey respondents provided other suggestions, that included; education about responsible cat ownership, implement harsher penalties and fines, provide free desexing (and increase awareness about mandatory cat desexing), undertake trap-neuter-return or release, allow property owners to trap cats, ban cats and implement similar rules for cats as there are for dogs.

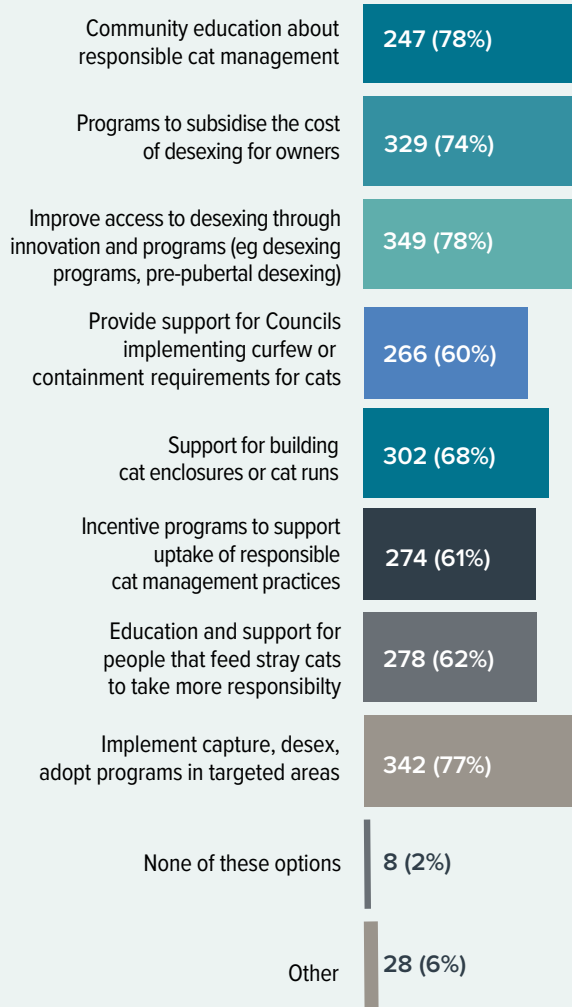
YourSAy survey

Which of the following options for cat management would you support in your council area?



YourSAy survey

Which of the following cat management activities would you support?



Again, survey respondents provided other suggestions, including undertaking trap-neuter-release or return, provide free desexing (and increase awareness about mandatory cat desexing), implement harsher penalties and fines, implement similar rules for cats as there are for dogs, and standardise cat laws through statewide legislation.

Snapshot

- Laws for full-time cat containment was the most supported (68%)
- The most popular activity suggestions were more education, improve accessibility to desexing and undertake “capture, desex and adopt” programs in targeted areas.





With the exception of the Piping Shrike emblem, other material or devices protected by Aboriginal rights or a trademark, and subject to review by the Government of South Australia at all times, the content of this document is licensed under the Creative Commons Attribution 4.0 Licence. All other rights are reserved.

