

South Australia

Dog and Cat Management Regulations 1995

under the *Dog and Cat Management Act 1995*

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Legislative history

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Dog and Cat Management Regulations 1995*.

4—Interpretation

In these regulations, unless the contrary intention appears—
Act means the *Dog and Cat Management Act 1995*.

Part 2—Dog management

5—Percentage of dog registration fees to be paid into Fund

For the purposes of section 25(5) of the Act, the percentage of dog registration fees received by a council that must be paid into the Fund by the council is—

- (a) in the case of a council listed in Schedule 1—20%; and
- (b) in any other case—10%.

6—Dogs held in custody of certain bodies not required to be registered

Section 33 of the Act requiring dogs to be registered does not apply to a dog while held in the custody of—

- (a) the *South East Animal Welfare League*; or
- (b) the *Sandy Creek Dog Sanctuary*; or
- (c) the holder of a licence under Part 4 of the *Prevention of Cruelty to Animals Act 1985*.

7—Identification of dogs

- (1) For the purposes of section 40 of the Act, a dog must wear a collar around its neck that—
 - (a) in the case of a dog that is individually registered—has securely attached to it the registration disc last issued for the dog;
 - (b) in the case of a dog usually kept at a kennel or used in connection with a business registered under the Act—has marked on it, or on a disc or tag securely attached to it, the name and telephone number of the owner or operator of the business or other mark identifying the business as approved by the council of the area in which the business is registered.
- (2) However, a dog need not wear a collar while the dog is suffering from injury, disease or sickness to the extent that the wearing of a collar would be injurious to the health of the dog.
- (3) This regulation does not apply—
 - (a) to a dog that is not required to be registered under the Act; or
 - (b) to a dog while effectively confined to premises occupied by a person who owns or is responsible for the control of the dog; or
 - (c) to a dog while under the effective control of a person by command, the dog being in close proximity to the person and—
 - (i) being used in the droving or tending of stock or going to or returning from a place where it will be, or has been, so used; or
 - (ii) being trained for, or participating in, an organised activity being a race, trial, class or show or in retrieving, hunting or other sporting exercise customarily involving the running of one or more dogs.

8—Guard dogs

- (1) Where a guard dog is kept at premises for the purpose of guarding or protecting a person or property at those premises, the person in whose name the dog is individually registered or, if the dog is used in a business registered under the Act, the owner or operator of the business must—
 - (a) notify the council for the area in which the premises are situated of—
 - (i) the address of the premises; and

- (ii) the times and periods during which the dog will be kept at the premises for that purpose; and
 - (iii) a telephone number on which a person who is responsible for the control of the dog can be contacted at any time in relation to the dog; and
- (b) ensure that there is displayed in a conspicuous position at the premises at all times while the dog is at the premises for that purpose a telephone number on which a person who is responsible for control of the dog can be contacted at any time in relation to the dog.

Maximum penalty: \$250.

Expiation fee: \$80.

- (2) Notice under subregulation (1)(a)—
- (a) must be given orally or in writing within 24 hours after the dog is first kept at premises as referred to in that subregulation; and
 - (b) if given orally, must be confirmed in writing within 48 hours after the dog is first kept at premises as referred to in that subregulation.

Part 3—Cat management

9—Identification of cats

For the purposes of the Act, a cat will be taken to be identified if—

- (a) the cat has a collar around its neck and the collar, or a tag securely attached to the collar, is marked with the current address or telephone number of the owner or other person entitled to possession of the cat; or
- (b) the cat has a microchip implanted in its body containing information that may be used to obtain the current address or telephone number of the owner or other person entitled to possession of the cat and has the letter M tattooed on the inside of either of its ears.

10—Offences related to marking of cats

- (1) A person must not tattoo, or cause to be tattooed, a letter M on the inside of a cat's ear unless the cat has a microchip implanted in its body containing information that may be used to obtain the current address or telephone number of the owner or other person entitled to possession of the cat.

Maximum penalty: \$2 500.

- (2) A person must not mark a cat's ear, or cause a cat's ear to be marked, in a manner likely to be mistaken for a letter M tattooed on the inside of the ear.

Maximum penalty: \$2 500.

11—Certain bodies may receive and dispose of unidentified cats

For the purposes of section 76(e)(iii)(C) and (g)(iii) of the Act, the *South East Animal Welfare League* is specified as the operator of a facility to which unidentified cats may be delivered and on whose behalf unidentified cats may be detained, destroyed or otherwise disposed of.

Schedule 1—Councils contributing 20% of dog registration fees to Fund

The Councils listed in this Schedule must pay 20% of dog registration fees received into the Fund:

Adelaide, The Corporation of the City of
Burnside, City of
Campbelltown, The Corporation of the City of
Charles Sturt, City of
Gawler, Town of
Holdfast Bay, City of
Marion, The Corporation of the City of
Mitcham, City of
Norwood Payneham & St Peters, The Corporation of the City of
Onkaparinga, City of
Playford, City of
Port Adelaide Enfield, City of
Prospect, City of
Salisbury, City of
Tea Tree Gully, City of
Unley, The Corporation of the City of
Walkerville, The Corporation of the Town of
West Torrens, City of

Legislative history

Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes.

Legislation revoked by principal regulations

The *Dog and Cat Management Regulations 1995* revoked the following:

all regulations previously made under the Dog Control Act 1979

Principal regulations and variations

New entries appear in bold.

| Year | No | Reference | Commencement |
|-------------|------------|---------------------------------------|----------------------|
| 1995 | 118 | <i>Gazette 15.6.1995 p2861</i> | 1.7.1995: r 2 |
| 2004 | 136 | <i>Gazette 17.6.2004 p2242</i> | 1.7.2004: r 2 |

Provisions varied

New entries appear in bold.

| Provision | How varied | Commencement |
|--------------------------|---|-----------------|
| Pt 1 | | |
| rr 2 and 3 | omitted under <i>Legislation Revision and Publication Regulations 2002</i> | 1.7.2004 |
| r 4 | | |
| prescribed person | deleted by 136/2004 r 4 | 1.7.2004 |
| Pt 2 | | |
| r 7 | substituted by 136/2004 r 5 | 1.7.2004 |
| r 8 | | |
| r 8(1) | varied by 136/2004 r 6 | 1.7.2004 |
| Pt 3 | | |
| r 10 | | |
| r 10(1) | varied by 136/2004 r 7(1) | 1.7.2004 |
| r 10(2) | varied by 136/2004 r 7(2) | 1.7.2004 |
| Sch 1 | substituted by 136/2004 r 8 | 1.7.2004 |
| Sch 2 | deleted by 136/2004 r 9 | 1.7.2004 |