

DOGS SA RESPONSE TO THE DOG AND CAT MANAGEMENT (BREEDER REFORM) AMENDMENT BILL 2024

Introduction

The South Australian Canine Association Inc (trading as Dogs SA) is the peak body for canine affairs in South Australia representing over 3,000 members who are actively involved in the training, sporting activities, conformation showing, breeding and rescue of dogs. We have reviewed the proposed Bill and have identified a number of areas of concern, not simply for our membership but also the general public and for those who are going to be required to enforce the Act.

Executive Summary

Although there are a number of issues identified which will be detailed further in the response, the principal concerns are as follows:

- The lack of consultation prior to the public release for comment in Your Say with the peak bodies in South Australia who represent a number of organizations which this Bill may have a detrimental effect. During the 2017 review and the implementation of the South Australian Standards and Guidelines for the Breeding and Trading of Companion Animals, Dogs SA was heavily consulted which generated very workable regulations and policy.
- The lack of detail in the documents provided has not allowed interested parties to make informed decisions on whether they support or not support the proposed changes. This ambiguity has been exaggerated by the lack of consultation. Had Dogs SA as a principle stakeholder been consulted then there would have been less skepticism on the motives for some of the changes.
- The current and proposed composition of the Board holds a distinct bias to the veterinary industry and local councils where it is seen that a number of the proposed changes are simply to increase government revenue. Neither the veterinary industry nor local council officers are industry experts on the breeding or care of dogs or cats.
- The Your say survey is very confusing for the average member of the General Public. To provide an informed response the responder is required to review a number of documents, some of which are not provided in the information pack. Also, many of the responses were lumped together with only 255 characters to provide comment.

The above are only some of the significant issues being raised in this response which most could have been avoided with open and frank consultation with key stakeholders prior to the bill going to public comment.

Detailed Response

Listed below are the detailed responses to each of the proposed amendments to the Act. Where Dogs SA either has no comment or agrees with the amendment we will state a response.

Serial	Title	Response	Comment
1.	Short Title	No Comment	
2.	Commencement	No Comment	
3.	Amendment of Section 3	No Comment	

4.	Amendment of Section 4	No Comment	
5.	Amendment of Section 4 - Composition of Board	Not Supported	Dogs SA does not support the reduction of the Board as it currently does not represent the greater majority of the industries associated with the management of Dogs and Cats. There needs to be greater representation on the board by industry and other interested parties.
6.	Amendment of section 17— Proceedings	Not Supported	As per Serial 5
7.	Insertion of Part 2 Division 2A	Supported in Principle	Consultation will be required when the regulations are being amended as to what additional detail may be required.
8.	Amendment of Section 24 – Annual Report	No Comment	
9.	Amendment of Section 25 – Dog and Cat Management Fund	No Comment	
10.	Amendment to Section 25D – General Powers of Authorized Persons	No Comment	
11.	Amendment of section 26— Council responsibility for management of dogs and cats	Not Supported	Business (Kennel Registration as they should be known) are an integral part of animal husbandry.
12.	Substitution of section 26A	No Comment	
13.	Amendment of section 31— Offence to hinder etc authorised person	No Comment	
14.	Amendment of section 34— Registration procedure for individual dogs	No Comment	
15.	Repeal of section 35	Not Supported	The requirement for Business (Kennel) Registration must remain as an option for larger kennels where dogs are homed for periods of time for breeding or other activities. Removal would become an administrative liability on both the kennel owners and authorities.
16.	Amendment of section 37— Notifications to ensure accuracy of registers	Not Supported	This requirement must remain for accuracy of the DACO database. Regular changes are made by the owners of these kennels ensuring accuracy
17.	Repeal of section 38	Not Supported	This was an easy-to-use action for the transfer of dogs, along with the transfer in DACO

18.	Amendment of section 42E— Certain dogs and cats to be desexed	Supported	
19.	Amendment to Section 43 – Dogs not allowed to wander at large	Support in Principle	This should also include cats. Cats cause significant damage to the native population when wandering at large and are often the cause of resident dogs barking through wandering between properties.
20.	Amendment of Section 44 – Dogs not to be allowed to Attack etc	Support in Principle	Does this apply on own property where a dog might damage or kill a wild animal such as a wild rabbit.
21.	Amendment of Section 45A – Miscellaneous duties relating to dogs	No Comment	
22.	Amendment of section 45B— Dogs of prescribed breed	No Comment	
23.	Amendment to Section 45C – Greyhounds – Support	Support	Many Greyhounds that are in training are walked without muzzle and cause less issues than other not controlled dogs.
24.	24 – Amendment of Section 45D – Attack Trained Dogs, Guard Dogs and Patrol Dogs	Support	
25.	Amendment of Section 50 – Destruction and Control Orders	No Comment	
26.	Amendment of Section 51 – Grounds on which orders may be Made	No Comment	
27.	Amendment of Section 55 – Contravention of an order	No Comment	
28.	Amendment of section 56 – Notification to council	No Comment	
29.	Amendment of section 57 – Notification of order to proposed new owner of dog	No Comment	
30.	Amendment of section 59B— Contravention of Prohibition Order	No Comment	
31.	Insertion of Part 5 Division 4	Support	
32.	Amendment of section 60— Power to seize and detain dogs	Support	
33.	33 - Amendment of section 61—Procedure following seizure of dog	Support	Where a dog is seized and is considered suitable the dog should be returned to the breeder for care and adoption should the current owner not be found

34.	Amendment of section 62— Destruction or disposal of seized dog	No Comment	
35.	Amendment of section 63— Power to destroy cats	Support	
36.	Amendment of section 64— Power to seize and detain cats	No Comment	
37.	Amendment of section 64D— Notification to owner of dog or cat destroyed etc under Part	Comment	Under Part ?
38.	Substitution of Part 7	No Supported	See General comments below
39.	Amendment of section 72— Review of certain decisions by South Australian Civil and Administrative Tribunal	Support	
40.	Insertion of section 73	No Comment	
41.	Amendment of section 83— No liability for action taken under Act	Not Supported	This allows for an all care but no responsibility approach by authorized persons.
42.	Repeal of section 87	No Comment	
43.	Substitution of section 88	No Comment	
44.	Substitution of section 90A	No Comment	
45.	Amendment of section 91— Regulations	No Comment	

Additional Comments

Serial 15 Repeal of Section 35

The removal of the provision for Business Registration will require kennels which operate as a hobby and maintain dogs for breeding and other activities be penalized. Currently those with Business Registrations have the number of dogs listed on the registration and are required to maintain a register of all dogs with DACO via the registration of the microchip. This requirement is to be conducted within 14 days of either receiving or removing a dog from their care.

Should this requirement change and kennels are required to register and pay individual registration each time they change dogs there will be a considerable cost and administrative burden placed on them and the administering body. Many breeders maintain their older stock as either pets or companion animals for younger dogs. As this is done at a later stage in life eg, 8+ years they generally considered too old to undergo unnecessary surgery such as desexing. With this change many will be euthanized as it would be cost prohibitive to sustain.

It is strongly recommended the facility for this type of registration remains however, a change of name to "Kennel Registration" may be more appropriate as the vast majority of Dogs SA Breeders are involved as a hobby and not for profit.

Serial 38 Substitution of Part 7

Although Dogs SA does support the concept of breeder licensing there are considerable issues relating to the proposed adoption of the substituted Part 7. The Amendment Bill and the Explanatory Guide provide very little detail as to the requirements which are being proposed. An example of this include the owner of the stud dog being classified as a breeder. Many breeders have frozen canine semen stored at multiple locations including interstate. How will this be regulated if the semen is used for inseminated interstate? Many breeders have stud dogs owned and living with 3rd parties. Will these 3rd parties now be required to become licensed breeders? What happens if the bitch or queen is served by an unknown dog or cat? This happens frequently with cats which are permitted to roam at large.

There are areas where training will be required however there is no mention on the levels of training being stipulated. Dogs SA members prior to being issued with a Breeder Prefix (equivalent to Breeder License) must undergo an open book exam on breeding and is currently being upgraded to ensure the proposed breeder is aware of their obligations under not just Dogs SA but also SA Regulations.

Dogs SA members already pay a significant penalty for the privilege of being responsible breeders and exceeding both the current legislation and of that being proposed. Under our own Code of Ethics and Regulations, Dogs SA members are required to register as breeders and all litters and puppies litters are to be registered on the national database. We have mandatory health tests which must be conducted on certain breeds where there are known health issues. The requirements have significant costs and there is concern that Dogs SA members will be further penalized by these new requirements. What consideration will Dogs SA breeders be given under the Act and pursuing changes to the regulations.

The breeder license has provision for the approval of facilities for the breeding of dogs and cats. This is already captured under the state development Act and must be provided to local councils. Who will be the body authorized to approve any development application for kennels with the relevant expertise in breeding of the different animals.

Previously anyone planning on breeding their dogs/cats had to register with the Dog and Cat Management Board to obtain a Breeder Number. The BYB and puppy farms simply applied for a number. Some tried to become members of Dogs SA and Dogs SA put a screening process into place for new member applications as a result. The change to a license agreement obviously provides increased opportunity for enforcement of certain conditions on those BYB but it now imposes additional financial impost on those Dogs SA breeders who are doing the right thing. How much is this breeder license going to cost and what is the renewal process and transition process for our experienced Dogs SA pedigree breeders?

The terminology of fertile is concerning as although a dog or bitch may be entire, they may not be fertile or above the allowed breeding age. How is this to be determined?

Dogs SA members currently have an exemption to the desexing requirement as per Dog and Cat Management Regulations 2017, Section 12, (2) (b). Dogs SA pedigree dogs are required to be entire for conformation show purposes. What assurances do we have that we can continue to receive both that exemption and additional exemptions to some of the proposed training requirements given we have controls and training in place already for new breeder applications?

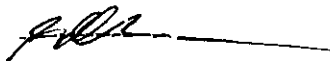
Conclusion

Dogs SA supports the need for periodic review of the Act and Regulations in relation to the management of Dogs and Cats within the community. Responsible pet ownership starts with responsible breeding and this can only be achieved by legislation which has been thoughtfully conceived and through careful consultation with industry groups and stakeholders.

Dogs SA is concerned in relation to the recently released statement by the Deputy Premier that the RSPCA would receive an additional \$16M over 4 years to increase their investigation team from 7 to 17. Investigation and enforcement of the Act would be more suited to the Authorized officers of the local Councils who are not politically motivated. This additional \$16M identifies why the Bill is so heavily focused on increasing revenue.

The composition of the current Board does not represent the greater community nor industry or stakeholders and hence is not making the best decisions in totality. The removal of the Business Registration is a prime example where the Board is placing revenue over process which has the potential to lead to both the destruction of many older entire dogs who are no longer regarded as breeding animals but are too old for safe desexing and simply not registering due to cost.

Dogs SA as always is willing to work with the Dog and Cat Management Board to achieve workable legislation that will serve the community, industry and Government at all levels into the future. Should you require further clarification on the points raised or to discuss any topic relating to the responsible ownership or breeding of dogs please feel free to contact the undersigned at any time.



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