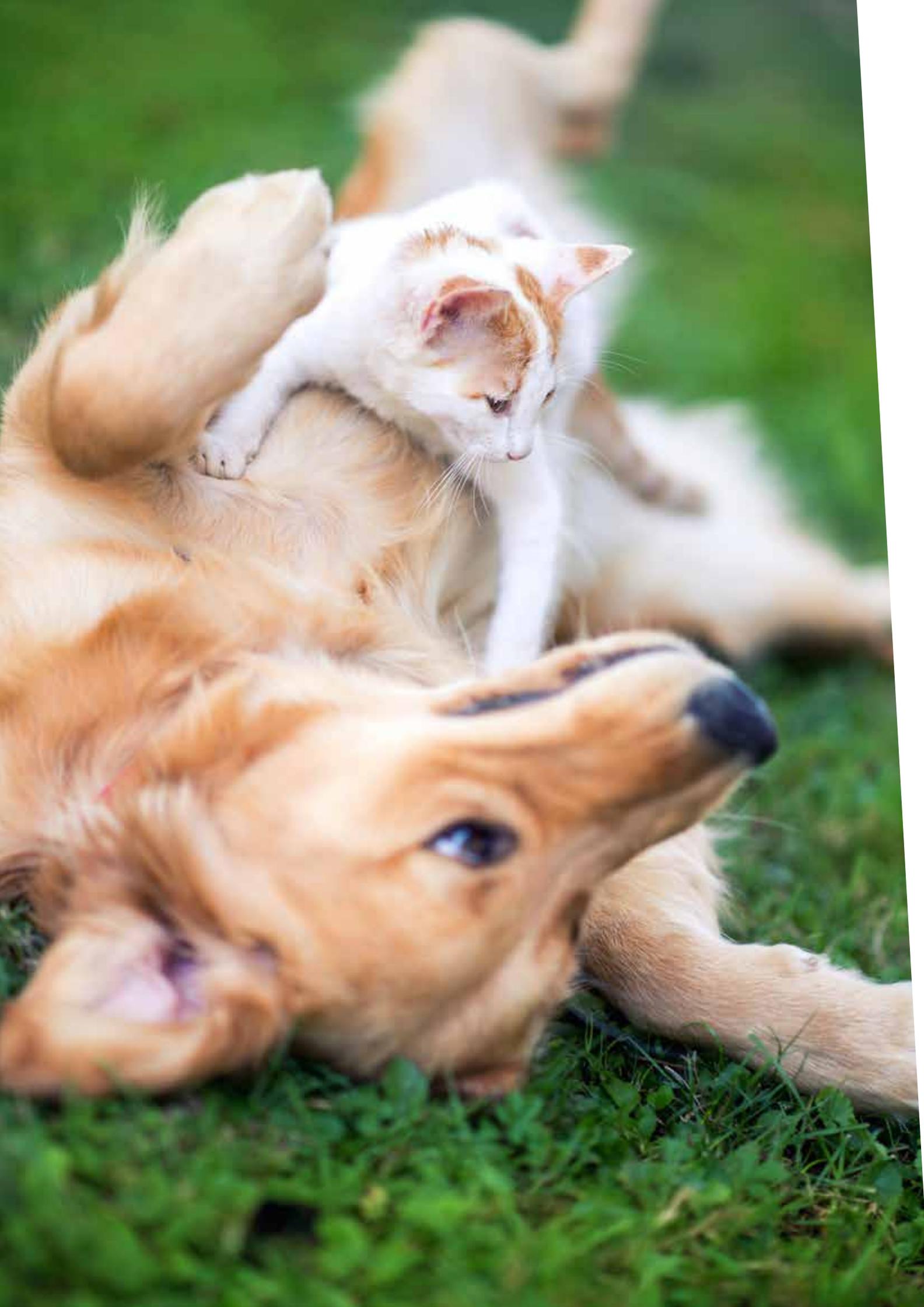


THE SOUTH AUSTRALIAN GOVERNMENT'S RESPONSE TO THE CITIZENS' JURY ON REDUCING UNWANTED DOGS AND CATS



citizens' jury
a new direction





FOREWORD

Two thirds of South Australians are pet owners. As a community we care about our pets and understand the importance of the role that they play in our lives. Despite this, last year 10,000 dogs and cats were euthanised. When I consider this number I think that there must be a better way.

The South Australian Government has committed to shutting down puppy farms, introducing mandatory microchipping, and helping local Government respond to dog and cat management challenges. The Government announced consultation on these reforms in April 2015. During consultation, it became clear that South Australians wanted the Government to consider additional measures like compulsory desexing.

How to reduce unwanted dogs and cats is an issue that often attracts emotional responses. A Citizens' Jury is an excellent way to involve the community in deliberations about a difficult or controversial topic.

That is why, in May 2015, I established a Citizens' Jury of 35 South Australians to provide recommendations on how we can reduce the numbers of unwanted dogs and cats.

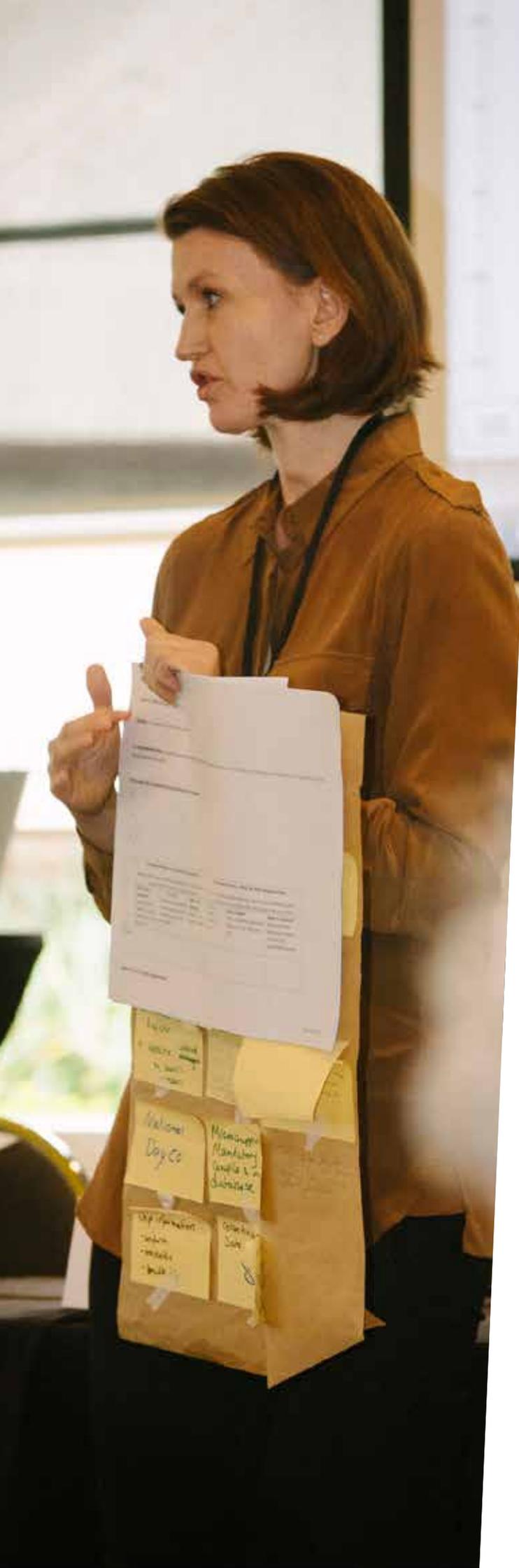
The Jury was independently chosen. Witnesses were called on for expert advice. Jury members heard from animal welfare organisations, local councils, academics, veterinarians and Government representatives about issues as diverse as dog attacks, feral cat management, compulsory desexing, and the number of dogs and cats euthanised in animal shelters.

The Jury deliberated the facts and has presented the Government with seven recommendations.

I thank the jurors on behalf of the Government and all South Australians.

This document sets out The Government's response to the Jury's recommendations. In responding to the recommendations, the Government acknowledges the commitment that Jury members displayed during their deliberations and in coming to a verdict. They have made a crucial contribution to dog and cat management in the State.

Hon Ian Hunter MLC
Minister for Sustainability,
Environment and Conservation



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SUMMARY OF THE GOVERNMENT'S RESPONSES

NO	SUMMARISED RECOMMENDATION	GOVERNMENT RESPONSE
1	Greater coordination of education programmes about responsible pet ownership, including the introduction of an online test.	Support
2	Legislation to encourage more acceptance of tenants with dogs and cats.	Investigate
3	Compulsory desexing of new generations of dogs and cats.	Support
4	Legislation to restrict the sale of dogs and cats from pet stores.	Investigate
5	A trial of a Trap, Neuter, Release project.	Not support
6	Mandatory registration and licensing of dog and cat breeders.	Support
7	A centrally managed state-wide database for microchip data for dogs and cats.	Support

INTRODUCTION

The way in which we manage dogs and cats is a matter of concern for the community and the issues involved can be complex and sometimes very emotive. The Jury was formed to recommend measures that respond to community concerns about the high number of unwanted dogs and cats that are euthanised in South Australia every year. It is the State's third Citizens' Jury and addresses the Premier's wish to engage South Australians in debate on public policy, particularly on issues that have broad implications for the State as a whole.

This runs parallel to a broad range of dog and cat management reforms that the Government is pursuing, including proposed amendments to the *Dog and Cat Management Act 1995* and a draft Code of Practice for the Welfare of Dogs and Cats in Breeding Facilities (the Breeding Code). These reforms aim to improve the State's dog and cat management and animal welfare laws.

Major proposed legislative amendments include the mandatory microchipping of all dogs and cats, mandatory breeder registration, and increased powers for council dog and cat management officers, as well as the Breeding Code setting out mandatory health and welfare standards for all dog and cat breeders.

A 10 week public consultation process on the proposed legislative amendments and the draft Breeding Code was carried out between April and June 2015. In total, more than 2300 submissions were received from stakeholders and members of the public. The Government is considering all of the submissions with a view to developing a final Dog and Cat Management (Miscellaneous) Amendment Bill for introduction into Parliament and a final Breeding Code for regulation under the *Animal Welfare Act 1985*.

The Jury's recommendations will help to build on the Government's dog and cat management reform programme.



THE CHARGE

The Jury was presented with the following charge:

Last year in South Australia over 10,000 dogs and cats were put down. The State Government recently announced some reforms to dog and cat laws. What further measures can we introduce or trial to reduce the number of unwanted pets?

During consultation on the Government's dog and cat management reforms, the issue of mandatory desexing was suggested to address a number of complex dog and cat management issues. Due to the wide range of interests represented by dog and cat owners, breeders, animal welfare organisations and the veterinary community, the Government decided to ask the Jury to consider the matter of mandatory desexing.

THE PROCESS

The Dog and Cat Management Board (the Board) was responsible for running the Citizens' Jury process. The Board was established in 1995 under the *Dog and Cat Management Act* to advise the Minister and the Local Government Association (the LGA) on dog and cat management issues and to work closely with partner organisations and the Government to improve dog and cat management in South Australia.

The Jury consisted of 35 randomly selected South Australians who met four times between June and August 2015. To ensure an independent process was taken, NewDemocracy, a Sydney based research organisation, was commissioned to randomly select the 35-member jury. DemocracyCo, a South Australian based organisation with experience in running public consultation processes, was commissioned to facilitate the Jury's deliberations.

To ensure that the Jury had access to the widest possible range of information and expert witnesses, a core reference group was formed with membership from the Board, the LGA, the RSPCA, the Animal Welfare League (the AWL), the Australian Veterinary Association (the AVA), and the Department of Environment, Water and Natural Resources (DEWNR).

Throughout the process, the Jury was able to call expert witnesses of their own choosing to assist with deliberations.



GOVERNMENT RESPONSE TO THE CITIZENS' JURY RECOMMENDATIONS

The Jury delivered its final report to the Minister for Sustainability, Environment and Conservation on Wednesday 12 August 2015. The Jury's seven recommendations fall into the three broad categories of preventing abandonment, reducing supply and reuniting pets with their owners.

The Government's response to each of the Jury's seven recommendations is provided below.

PREVENTING ABANDONMENT

1. Effective education

The Jury recommends that a coordinated education programme be developed and co-delivered by partner agencies to educate all South Australians about what it means to be a responsible pet owner. The Jury recommends that a key element of this be the introduction of a simple online test that improves understanding of what is involved in being a responsible pet owner.

The Government's response:

- › The Government supports this recommendation.

The Government agrees with the Jury that an effective education programme is essential to underpinning the State's dog and cat management system.

The Board has a Memorandum of Understanding (MOU) with each of the organisations, the RSPCA, the AWL and the AVA. To fulfil the obligations and expectations of the MOU, the Board will coordinate regular meetings between all four organisations to meet as a group and collaborate on ways to co-deliver responsible pet owner education.

The Board will take the lead in organising these meetings and in developing a coordinated education campaign. The first step will be for the organisations to take stock of their existing education material, and deciding as a collective how this material can be improved to achieve positive outcomes for pet education.

This group will work together to develop an online test to assist prospective pet owners to understand the responsibilities of pet ownership. The tool will be co-branded by the four organisations, and will be available on all four websites. The Board will work with key stakeholders to promote and distribute the tool through breeder groups and pet shops.



2. More dogs and cats in rental properties

The Jury recommends that a pet bond scheme be re-introduced to Parliament through a bill changing the Residential Tenancies Act 1995 and the Strata Titles Act 1988. The Jury recommends that private landlords, strata corporations and retirement villages (and the like) be encouraged to accept tenants with dogs and cats when renting properties. The Jury recommends the development of an optional pet bond scheme for private rental properties.

The Government's response:

- › The Government will investigate the development of legislative changes to assist with rental arrangements for tenants with pets.

The Government understands the Jury's rationale for this recommendation in light of evidence that up to 30 percent of unwanted and relinquished dogs and cats arriving in animal shelters are surrendered or abandoned due to a change in living circumstances of the owner.

However, additional investigation and consultation with key stakeholders is required to identify the potential social and economic impacts of this recommendation, including impacts on long-term strata and community title arrangements entered into under current legislation.

The Government will investigate whether there are other ways to support pet ownership in strata and community title arrangements.

REDUCING SUPPLY

3. Compulsory desexing of dogs and cats

The Jury recommends that the Government legislates the compulsory desexing of dogs and cats for future generations of all dogs and cats from an implementation date to be determined, with appropriate exemptions. The Jury recommends that compulsory desexing for the existing population of dogs and cats not be implemented. The Jury calls for a review on the effectiveness of compulsory desexing at a time frame to be determined by the Dog and Cat Management Board.

The Government's response:

- › The Government supports this recommendation.

The Government requested the Jury to consider the issue of whether the desexing of dogs and cats should be mandatory. The Jury concluded that mandatory desexing would be an effective strategy for reducing the high number of unwanted dogs and cats admitted to shelters every year. Central to its recommendation is that desexing should occur at, or prior to, point of sale.

Mandatory desexing has been publicly and widely promoted for many years by key stakeholders including the Board, the RSPCA, the AWL and the Local Government Association.



In response to the Jury’s recommendation, and in light of the strong support from a number of key stakeholders, the Government proposes to amend the draft Dog and Cat Management (Miscellaneous) Amendment Bill 2015 to introduce a requirement for the mandatory desexing of all dogs and cats prior to sale or first transfer. In line with the Jury’s recommendation, the requirement will only apply to new generations of dogs and cats. There will also be a range of appropriate exemptions, to be determined in consultation with experts and stakeholders.

A final Dog and Cat Management (Miscellaneous) Amendment Bill will be tabled in Parliament for debate. Should the legislation be enacted, the Government will work with the Board and stakeholders to ensure that pet owners and businesses are aware of the changes and are supported to comply with the new requirements.

4. Regulate the sale of dogs and cats from pet stores

The Jury recommends that the SA Government legislate to restrict the sale of dogs and cats from pet stores and only allow those animals to be sold which require rehoming (sourced from registered shelters). The Jury recommends this be legislated across South Australia and without exemptions.

The Government’s response:

- › The Government will investigate the appropriateness of legislative changes to retail arrangements in helping to dismantle ‘puppy farms’ in South Australia.

Recognising the significant concerns that ‘puppy farms’ and ‘kitten farms’ raise, the Government is already proposing a number of initiatives that will tighten regulatory oversight of dog and cat breeders, such as:

- Proposed amendments to the *Dog and Cat Management Act* that will require:
 - anyone breeding a dog or cat for sale to register with the Board;
 - anyone selling a dog or cat to provide to the purchaser information relating to the identity of the breeder; and
 - anyone advertising a dog or cat for sale to include in the advertisement information relating to the identity of the breeder.
- The draft Breeding Code, to be regulated under the *Animal Welfare Act*, will set mandatory health and welfare standards with which dog and cat breeders must comply.

These reforms focus on the production end of the pet supply chain.

The Government seeks to ensure that any changes it makes to trade at the retail level are market-place neutral. A regulatory framework for sales through pet stores will require further investigation to ensure additional regulation of the pet trade industry is effective in reducing the existence of puppy farms and does not disadvantage pet store operators.

These investigations will need to consider increases in online sales of dogs and cats and the subsequent reduction in sales from pet shops.

The Government will investigate market-based mechanisms and solutions for ensuring pets from pet stores are sourced from reputable breeders, and that pet stores treat their animals with care and attention, such as the possibility of ‘ethical pet stores’.



5. Trap Neuter Return

The Jury recommends that the Government conduct a trial on the management of semi owned cats through the practice known as trap, neuter, return (TNR) in a specific trial area with a willing community.

The Government's response:

- › The Government does not support this recommendation.

The Trap, Neuter, Return (TNR) concept is based on community-shared responsibility for unowned cats, where cats are trapped, desexed and released to colonies where cats share a common food source provided by members of the community. The aim of this approach is to have a stable, healthy cat colony in which natural attrition gradually reduces numbers.

Releasing a cat from captivity or allowing it to go 'at large' is an offence pursuant to section 179 of the *Natural Resources Management Act 2004*. This activity would also breach by-laws in a number of council areas. In addition, if a person 'abandons' a cat they may commit the offence of 'ill-treating an animal' pursuant to section 13 of the *Animal Welfare Act*.

The Government's preferred approach is to undertake actions that will directly address the feral cat problem. These include actions outlined in the Australian Government's Threatened Species Strategy, released in July 2015. The associated Action Plan 2015-16 details a range of initiatives that deal with the growing problem of feral cats and mitigate the damage done to native birds and animals.

The Board advocates that all cats should have an identified owner that is responsible for all aspects of a cat's well-being including microchipping, desexing, vaccinating, feeding and containment. TNR programmes do not result in ownership and individuals taking full responsibility for these animals.

6. Mandatory registration and licensing of dog and cat breeders

The Jury supports the draft Code of Practice for the Welfare of Dogs and Cats in Breeding Facilities as part of the 2015 Dog and Cat Management Reforms. The Jury recommends that the Government legislate for all people who sell dogs and cats (breeders) to be registered and licensed to ensure that they are ethical and meet the code of practice. The Jury recommends that the RSPCA have a central role in the registration of breeders of dogs and cats to ensure quality control.

The Government's response:

- › The Government supports the Jury's recommendation for mandatory registration but not for a breeder licensing scheme.

Proposed amendments to the *Dog and Cat Management Act* requires breeders to register with the Board. This proposal does not include a scheme that requires the assessment of a breeders' premises or practices.

The draft Bill requires sellers to provide owners with information relating to the identity of breeders. Breeder details will be recorded in a database. This will allow local councils and the RSPCA to identify breeders, thus improving enforcement of the *Dog and Cat Management Act* and the *Animal Welfare Act*.

This will also allow animals with health problems to be traced back to breeders, enabling purchasers to enforce their rights as consumers. The Breeding Code will set mandatory health and welfare standards with which breeders must comply.

The Government's position is that the proposed breeder registration scheme and the Breeding Code will provide adequate regulation to improve oversight of breeders without



increasing red tape and costs for breeders. Unlike licensing, registration does not impose additional requirements to inspect and accredit breeders.

The RSPCA is responsible for inspectorate services under the *Animal Welfare Act*. The RSPCA, breeder organisations or other providers are able to develop accreditation systems that would complement the Government's proposed system of breeder registration and Breeding Code.

A review of the breeder registration scheme will be carried out 12 months after the implementation of the Bill.

REUNITING PETS WITH THEIR OWNERS

7. Centrally managed state-wide database

The Jury support the mandatory microchipping reforms currently being proposed by the Dog and Cat Management Board through reforms to the Dog and Cat Management Act 1995. The Jury recommends that Government (in collaboration with stakeholders) develop and implement one centrally managed state-wide database. The Jury recommends that the current system of local council registration for dogs is phased out and replaced by the new mandatory microchipping system. The Jury recommend that the Local Government Association and the Dog and Cat Management Board work together to develop an appropriate funding model to maintain and/or increase the available resources that support the important work of local councils and the DCMB in animal management, given the potential loss of resources currently provided through local dog registration.

The Government's response:

- › The Government supports this recommendation and will undertake further investigations on funding models.

The Government has developed a business case for a state-wide database that:

- stores the microchip details of dogs and cats;
- supports councils with online registration and fee payment services;
- provides savings to councils through the central handling of registration and renewal arrangements;
- combines with other databases, such as the dog incident database and the proposed new breeder registration database, creating a comprehensive management tool for policy makers, enforcement officers and the RSPCA; and
- provides a cost-effective state-wide system to reunite lost pets with their owners

The Government believes that a system as proposed will achieve most of the Jury's stated aims.

The Government is working with the Board and the Local Government Association to investigate options for funding and implementing such a database.

The recommendation to develop a new funding model requires further investigation by the Board and the Local Government Association.

