

INSTRUMENT OF DELEGATION

INSTRUMENT OF DELEGATION UNDER THE DOG AND CAT MANAGEMENT ACT 1995

14 NOVEMBER 2023

Delegation Sources

- Dog and Cat Management Act 1995

Positions

| Abbreviation | Position |
|--------------|--|
| CEO | Chief Executive Officer |
| CO | Compliance Officer |
| CSO's | Customer Services Officers |
| DCCS | Director Corporate & Community Services |
| DIES | Director Infrastructure & Environmental Services |
| EA to DIES | Executive Assistant to DIES |
| GI | General Inspector |
| MFS | Manager Financial Services |

| Abbreviation | Position |
|--------------|---|
| MRSBS | Manager Regulatory Services/Building Surveyor |

Instrument of Delegation under the Dog and Cat Management Act 1995

| Dog and Cat Management Act 1995 | | | | |
|---------------------------------|---|-----------|----------------------------|---------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations | Capacity of Council |
| section 25A(1) | Appoint authorised persons | CEO | | council |
| section 25A(2) | Impose conditions on appointment of an authorised person | CEO | | council |
| section 25A(3) | Revoke appointment or revoke or vary conditions of an authorised person | CEO | | council |
| section 25B(1) | Issue identity card to an authorised person | CEO | | council |
| section 25C(c) | Enter into an arrangement with another council in relation to the exercise of authorised officer powers | CEO, DIES | | council |

| Dog and Cat Management Act 1995 | | | | |
|---------------------------------|---|------------------------------|----------------------------|---------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations | Capacity of Council |
| section 26(1)(a) | Maintain a register of dogs | CEO, DIES, MRSBS, EA to DIES | | council |
| section 26(1)(ab) | Provide information to the Dog and Cat Management Board | CEO, DIES, GI, EA to DIES | | council |
| section 26(1)(ac) | Maintain other registers | CEO, DIES, GI, EA to DIES | | council |
| section 26(1)(ad) | Make registers publicly available | CEO, DIES, MRSBS | | council |
| section 26(1)(ae) | Limit inspection of register | CEO, DIES, MRSBS | | council |
| section 26(1)(b) | Appoint a Registrar | CEO, DIES | | council |

| Dog and Cat Management Act 1995 | | | | |
|---------------------------------|---|---|----------------------------|---------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations | Capacity of Council |
| section 26(1)(c) | Make arrangements for the issue and replace certificates of registration and registration discs | CEO, DIES, GI, MRSBS, CSO's, EA to DIES | | council |
| section 26(1)(d) | Make arrangements for the exercise of functions and powers of an authorised person | CEO | | council |
| section 26(1)(e) | Make arrangements for the detention of dogs and cats | CEO, DIES, GI, CO, MRSBS | | council |
| section 26(1)(f) | Make arrangements for fulfilling other obligations under the Dog and Cat Management Act | CEO, DIES, GI, CO, MRSBS | | council |
| section 26(3) | Expend money in the administration or enforcement of the Dog and Cat Management Act | CEO, DIES | | council |

| Dog and Cat Management Act 1995 | | | | |
|---------------------------------|--|----------------------|----------------------------|---------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations | Capacity of Council |
| section 26(4) | Keep separate account of moneys received and expended under the Dog and Cat Management Act | CEO, DCCS, DIES, MFS | | council |
| section 26(5) | Pay moneys into the Dog and Cat Management Fund | CEO, DCCS, DIES, MFS | | council |
| section 26(6)(a) | Charge fees for the provision of register extracts | CEO | | council |
| section 26(6)(ab) | Charge fees for receipt and management of information | CEO | | council |
| section 26(b)(i) | Charge fees for registration of dogs or businesses | CEO | | council |
| section 26(b)(ii) | Charge fees for late payment of registration | CEO | | council |

| Dog and Cat Management Act 1995 | | | | |
|---------------------------------|---|-----------|----------------------------|---------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations | Capacity of Council |
| section 26(b)(iii) | Charge fees for meeting requirements under the Dog and Cat Management Act | CEO | | council |
| section 26(7) | Provide a percentage rebate as provided for by the Dog and Cat Management Act | CEO | | council |
| section 26A(1) | Prepare a dog and cat management plan | CEO | | council |
| section 26A(3) | Present dog and cat management plan to Dog and Cat Management Board | CEO, DIES | | council |
| section 26A(5) | Amend dog and cat management plan | CEO | | council |
| section 33(4)(c) | Approve boarding kennel | CEO, DIES | | council |

| Dog and Cat Management Act 1995 | | | | |
|---------------------------------|---|-------------------|--|---------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations | Capacity of Council |
| section 39 | Rectify the register | CEO, DIES, MRSBS | | council |
| section 41(1)(c) | Fix fee for application under Part 4, Dog and Cat Management Act | CEO | | council |
| section 47(5) | Recover cost of giving effect to order if an order has been contravened and authorised person takes steps to effect the order | CEO, DIES, MRSBS | | council |
| section 50(1)(a) | Make a Destruction Order | CEO, DIES, MRSBS | Delegate must have regard to advice from qualified person under the Dog & Cat Management Act 1995. | council |
| section 50(1)(b) | Make a Control (Dangerous Dog) Order | CEO, DIES, GI, CO | | council |

| Dog and Cat Management Act 1995 | | | | |
|---------------------------------|--|--------------------------|----------------------------|---------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations | Capacity of Council |
| section 50(1)(c) | Make a Control (Menacing Dog) Order | CEO, DIES, GI, CO | | council |
| section 50(1)(d) | Make a Control (Nuisance Dog) Order | CEO, DIES, GI, CO | | council |
| section 50(1)(e) | Make a Control (Barking Dog) Order | CEO, DIES, GI, CO | | council |
| section 50(2)(b) | Approve a place to detain dogs | CEO, DIES, GI, CO | | council |
| section 52(a1) | Determine manner and form of application for the council to make an order under Division 3, Part 5, Dog and Cat Management Act | CEO, DIES, MRSBS | | council |
| section 52(1)(a) | Ascertain owners or persons responsible for a dog | CEO, DIES, GI, CO, MRSBS | | council |

| Dog and Cat Management Act 1995 | | | | |
|---------------------------------|--|--------------------------|----------------------------|---------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations | Capacity of Council |
| section 52(1)(b) | Provide notice of proposed order to each owner or person responsible for a dog | CEO, DIES, GI, CO, MRSBS | | council |
| section 52(2)(b) | Note order in register | CEO, DIES, GI, CO, MRSBS | | council |
| section 52(3) | Provide notice of order to each owner or person responsible for a dog | CEO, DIES, GI, CO, MRSBS | | council |
| section 52(4) | Revoke order | CEO, DIES, MRSBS | | council |
| section 52(5) | Note revocation of order in register | CEO, DIES, GI, CO, MRSBS | | council |

| Dog and Cat Management Act 1995 | | | | |
|---------------------------------|--|--------------------------------|----------------------------|---------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations | Capacity of Council |
| section 52(6) | Note order made by Dog and Cat Management Board in register | CEO, DIES, GI, CO, MRSBS | | council |
| section 53(1) | Issue directions to each owner or person responsible for a dog regarding complying with order | CEO, DIES, GI, CO, MRSBS | | council |
| section 56(1) | Receive prescribed information from an owner or person responsible for a dog subject to an order | CEO, DIES, GI, CO, MRSBS | | council |
| section 56(2) | Receive information from an owner or person responsible for a dog subject to an order regarding moving the dog into or out of the council area | CEO, DIES, GI, CO, MRSBS | | council |
| section 59A(1) | Make a Prohibition Order | CEO, DIES, GI, CO, MRSBS | | council |

| Dog and Cat Management Act 1995 | | | | |
|---------------------------------|---|--------------------------|----------------------------|---------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations | Capacity of Council |
| section 59A(2) | Approve place to detain dog | CEO, DIES, GI, CO, MRSBS | | council |
| section 59A(5)(b) | Record a Prohibition Order | CEO, DIES, GI, CO, MRSBS | | council |
| section 59A(6) | Revoke a Prohibition Order | CEO, DIES, GI, CO, MRSBS | | council |
| section 59A(7) | Note revocation of a Prohibition Order in register | CEO, DIES, GI, CO, MRSBS | | council |
| section 59A(8)(c) | Note order made by Dog and Cat Management Board in register | CEO, DIES, GI, CO, MRSBS | | council |

| Dog and Cat Management Act 1995 | | | | |
|---------------------------------|--|--------------------------------|----------------------------|---------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations | Capacity of Council |
| section 61(4) | Consider making an order if a dog is seized in order to prevent it attacking, harassing or chasing a person, animal or bird or because it is unduly dangerous | CEO, DIES, GI, CO, MRSBS | | council |
| section 61(4) | Consider applying to Magistrates Court for an order if a dog is seized in order to prevent it attacking, harassing or chasing a person, animal or bird or because it is unduly dangerous | CEO, DIES, GI, CO, MRSBS | | council |
| section 61(6) | Recover cost of microchipping or desexing dog | CEO, DIES, GI, CO, MRSBS | | council |
| section 64(2)(c) | Nominate facility for the detention of cats | CEO, DIES, GI, CO, MRSBS | | council |
| section 64B(1) | Cause a detained dog or cat to be microchipped or desexed | CEO, DIES, GI, CO, MRSBS | | council |

| Dog and Cat Management Act 1995 | | | | |
|---------------------------------|---|--------------------------|----------------------------|---------------------|
| Provision | Power and Functions Delegated | Delegate | Conditions and Limitations | Capacity of Council |
| section 64B(2) | Recover cost of microchipping or desexing a dog or cat | CEO, DIES, GI, CO, MRSBS | | council |
| section 64D(1)(b)(ii) | Receive notice of destruction, injury, seizure or detention of dog or identified cat | CEO, DIES, GI, CO, MRSBS | | council |
| section 72 | Responding to South Australian Civil and Administrative Tribunal review of council decision | CEO, DIES | | council |
| section 88A(4) | Receive a statutory declaration from the owner of a vehicle who has received an expiation notice or an expiation reminder given under the Expiration of Offences Act 1996 | CEO, DIES, GI, CO, MRSBS | | council |
| section 89 | Lay a complaint regarding offence under Dog and Cat Management Act | CEO, DIES, MRSBS | | council |

Document history and version control

| Date | Council/Chief Executive Officer | Comment |
|------------|---|---------|
| 14/11/2023 | Reviewed and adopted at 14 November 2023 Special Council meeting | |
| | | |