



Economic Development,  
Jobs, Transport  
and Resources

# Government response to the Parliamentary Inquiry into the Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016

June 2017

# 1 Overview

The Parliamentary Inquiry (the Inquiry) into the *Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016* (the Bill) was self-referenced by the Economy and Infrastructure Committee (the Committee) on 25 October 2016. The Bill proposed amendments to the *Domestic Animals Act 1994* (the DA Act) to deliver the Andrews Labor Government's election commitment to reform the dog breeding and pet shop industries in Victoria, and to address the unregulated online sale of dogs and cats.

The Committee undertook a detailed investigation into the Bill with a particular examination of the likely effect on existing Victorian dog breeders and the availability of both pet and working dogs in Victoria.

The Victorian Government acknowledges the important contributions made by the stakeholders who participated in the Inquiry. Participants included members of the public, veterinary groups, animal welfare and rescue organisations, local government, dog and cat breeders, pet shops, and representative groups.

The Committee's majority report made one finding and 18 recommendations. Two minority reports made observations about the Bill.

While the Committee's final report found issue with the level of consultation and made a number recommendations, the Government believes the majority view is tarnished by a biased approach to the inquiry.

During hearings, the former Chair of the Committee made it known that he had visited the place of business of a witness the day prior to that witness giving evidence, and when hearing evidence from the relevant government department said:

*"our family [pet came] from an establishment that was not on the same scale as Banksia Park but a similar type of facility where there are a large-scale number of dogs being bred. I just put it to you that my family chose to get Gus the groodle in the way we did. We wanted a groodle. That is what we got. We got it from the facility that we did... [Your government is trying to] remove from people like me and my family the opportunity to make the decision that we wanted to when we were getting our dog."*

The Government also notes the behaviour of one or more members of the Committee in relation to the final report ahead of its tabling. The President, the Hon Bruce Atkinson MLC, stated in the Legislative Council on 6 December 2016:

*"I must say that I am most concerned about the apparent leaking of this report to the Herald Sun. Certainly the commentary in the Herald Sun bears a remarkable resemblance to what I understand to be the outcome of the committee's deliberations... as a committee document it ought to have been dealt with in a confidential manner."*

...

*"I will be considering this matter with the Clerk later today, and I will be writing to the chair of the committee to seek clarification from him as to how this report — or at least excerpts or an overview of it — has been given to the media ahead of the tabling of it in this Parliament."*

Despite this approach to the inquiry, it is clear that the Government's Bill is unlikely to pass the Parliament in its current form.

For that reason, the Government has been reassessing the legislation with a view to introducing House amendments to the Bill that will enable its passage, and acquit the commitments the Government made to the people of Victoria.

## 2 Response to Committee recommendations

During the course of the Inquiry, the Government notified the Committee that it had resolved to make a number of amendments to the Bill to address key issues raised by some affected groups and individuals following its introduction in the Legislative Assembly.

The Government wants to ensure that our beloved pets come from a good place – a goal we share with most breeders. The Bill sought to provide a discernible way in which to distinguish between legitimate breeders and illegal, unregistered, breeders.

The Bill's introduction had the effect of revealing widespread misunderstanding of obligations and non-compliance with existing legislation.

In October 2014, the then Minister for Agriculture and Food Security, wrote to all Applicable Organisations outlining the then government's new requirement that the codes of ethics of these organisations be updated. By October 2015 all members of Applicable Organisations should have been operating at a level in line with or above the *Code of Practice for the Operation of Breeding and Rearing Businesses 2014* through their Applicable Organisations code. It has become clear over recent months that this is not the case.

The RSPCA's Special Investigations Unit currently has 24 reports at various stages of the investigation process. The majority (54 per cent) are members of Applicable Organisations.

Many of the approximately 10,000 breeders estimated to exist in Victoria are mostly invisible to authorities like the RSPCA, because they are currently exempt from having to register in any way with any level of government.

It is important to note, however, the Government has been working closely with Applicable Organisations since the Bill's introduction to improve their standards. The Government recognises that the overwhelming majority of Applicable Organisation members are well motivated and committed to high standards of animal welfare.

The Government maintains that there are significant benefits to be gained by breeders being directly known to the authorities responsible for enforcing the law.

The intent of the current proposals is to deliver on important election commitments that respond to community concerns about the welfare and health of animals in commercial breeding facilities or 'puppy farms', pet shops and online sales of dogs and cats.

This intent remains unchanged and the government is committed to reforming the dog breeding and pet shop industries. The Bill will be amended to ensure that it provides for the effective implementation of this intent, for example, by providing appropriate enforcement powers and regulating the circumstances under which dogs and cats may be sold.

The Minister for Agriculture has conducted further consultation with the Victorian Veterinary Association and Applicable Organisations, including DOGS Victoria, other

breeders, foster carers and affected groups and other individuals about the Bill.

The timeframes associated with the current Bill will be reviewed to ensure commencement and transition is adjusted to reflect any delays in progress of the Bill. The Government considers that the lead in time for the delivery of the fertile female limit to be sufficient, given that industry has been aware of the 2020 deadline since November 2014.

In relation to recommendations 15, 16, 17 and 18, regarding caged birds, the Government notes that caged birds are a commonly sold pet in pet shops and as such it is important for 'caged birds' to remain within the definition of a pet shop under the Act. This ensures that caged birds are provided with minimum standards of welfare. The mandatory Code of Practice for the Operation of Pet Shops provides the minimum standard for the care and welfare of all species sold from these businesses.

However, in relation to the sale of exotic birds at public sales across Victoria, the Government has implemented, in close consultation with aviculturalists, an interim approach to enable these long-running bird sales to be conducted legally. On 7 March 2017, the Governor in Council made an Order to exempt caged birds from the operation of section 96 of the DA Act in relation to the sale of caged birds in public places. The conditions on this exemption are that the sales are held in compliance with the Victorian Government's *Code of Practice for the Housing of Caged Birds* and the Victorian Avicultural Council's *Code of Practice for Bird Sales*. The Government will continue its work with the Victorian Avicultural Council and other groups in refining how a permanent change to the Act is made.

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