

Declared Bird Organisations

Domestic Animals Amendment (Puppy Farms and Pet Shops) Act 2017

Background

The *Domestic Animals Amendment (Puppy Farms and Pet Shops) Act 2017* (PFPS Act) introduced a range of amendments to the *Domestic Animals Act 1994* (DA Act). These amendments deliver on the Government's election commitment to reform the dog breeding and pet shop industries in Victoria and better regulate the sale of dogs and cats.

Under the amended DA Act:

- there are limits on the number of fertile female dogs breeders can keep
- pet shops can only sell dogs and cats sourced from shelters, pounds or enrolled foster carers
- a voluntary foster carer scheme is established
- there are new definitions for 'recreational breeders' and 'microbreeders'
- the definition of 'farm working dogs' is clarified
- an animal sale permit system is established
- traceability of cats and dogs is improved through the establishment of the Pet Exchange Register
- offences apply for publishing non-compliant pet sale advertisements

How does the PFPS Act relate to bird sales?

The PFPS Act introduced a new scheme, specifically designed for the bird clubs of Victoria, to allow for bird sales to occur where animal welfare and consumer protections are in place.

Who can apply to be declared a bird organisation?

To be eligible to apply, an organisation must represent members with an interest in:

birds and bird keeping
the promotion of aviculture
the well-being of birds, whether in captivity or in the wild.

What is the process to become a declared bird organisation?

Bird clubs must apply to the Minister for Agriculture (Minister), requesting to be a declared bird organisation.

If the Minister is satisfied that the bird club has processes in place to educate and require its members to comply with the *Code of Practice for the Housing of Caged Birds* or another similar code of practice, the Minister will publish a notice in the Government Gazette declaring the bird club, a "declared bird organisation".

How do declared bird organisations hold sale events?

Once a bird club is a declared bird organisation, it is entitled to hold sales, without the need to be in a registered pet shop or use an animal sale permit.

However, prior to any sale, the bird club must inform the Secretary of the Department of Economic Development, Jobs, Transport and Resources (DEDJTR) of its intentions. This notification must be given at least 14 days before the sale commences, and include:

the date of the sale
the proposed location of the sale
contact details for the person in charge
possible types of birds to be sold.

How will the welfare of the birds being sold be protected?

When applying to the Minister, bird clubs must enclose evidence of how members are educated in, and will comply with, either the *Code of Practice for the Housing of Caged Birds* made under the *Prevention of Cruelty to Animals Act 1986* or another code of practice relating to caged birds that has been approved.

Is a declared bird organisation legally responsible for enforcing the code of practice?

No. Declared bird organisations must educate their members about, and have processes in place to require their members to comply with, the relevant code but they are not legally responsible.

Local council authorised officers, DEDJTR authorised officers, and RSPCA (Victoria) officers are responsible for enforcing the law.

Will the current Governor-in-Council exemption remain in place?

Yes. The current Governor-in-Council exemption for selling caged birds will remain in place until late 2018.

If a bird club isn't declared by the Minister, can they still hold sale events?

Yes. Clubs are able to apply for individual animal sale permits to hold one-off events if they choose not to become a declared bird organisation.

For more information on animal sale permits, visit <http://agriculture.vic.gov.au/pets/puppy-farm-legislation/new-applications-and-permits>.

For more information

Visit <http://www.animalwelfare.vic.gov.au> or email pet.welfare@ecodev.vic.gov.au or call 136 186.

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