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25 March 2024

The Hon. Ros Spence MP  
Minister for Agriculture

By email to: [engage.vic.gov.au](mailto:engage.vic.gov.au)

Dear Minister Spence

**RE: PLAN FOR VICTORIA'S NEW ANIMAL CARE AND PROTECTION LAWS**

We refer to the draft Animal Care and Protection Bill and attach Dogs Victoria's submission regarding this draft Bill.

Dogs Victoria would welcome the opportunity to consult with you regarding our submission.

Yours sincerely

Vincent McPhee  
President

Jan Robinson  
Vice President

## Dogs Victoria Submission regarding the Animal Care and Protection Bill

Dogs Victoria welcomes to opportunity to comment upon the draft Animal Care and Protection Bill and attaches hereto its former submissions dated 8 December 2020 and 15 October 2022. We request that the decision-makers review the arguments made in each of those submissions, which provide the detailed background to the higher-level submissions we now make.

We further refer to Dogs Victoria's survey responses to the Domestic Animal Regulations 2015 Sunset Review, which again includes submissions relevant to Dogs Victoria's stance in relation to ongoing regulation of domestic animal ownership and breeding.

We note with disappointment that Dogs Victoria has had no feedback from Animal Welfare Victoria or the Department of Agriculture in respect of any of the three (3) submissions and that the 2020 submission concerns and proposals were not referenced in the Directions Paper Engagement Summary, and its 2022 submission was not listed as a contribution on the Engage website.

In each of our submissions we have explained the underlying mission of Dogs Victoria: that it seeks to preserve, protect and improve recognised pure-bred dog breeds by registering and regulating the breeding and ownership of pure-bred dogs whilst also providing enrichment activities for pure-bred and cross-bred dogs, and education regarding responsible dog ownership for both its members and the general public. We have demonstrated that Dogs Victoria members and their dogs are highly regulated – to a standard exceeding that mandated by state legislation – and traceable and that it is Dogs Victoria's view that its obligations under the Domestic Animal Act 1994 Applicable Organisation scheme should exempt its members from further regulation under new legislation.

We have acknowledged that Dogs Victoria breeders supply puppies for pet purchasers but have explained that the activity of our members' breeding lacks a commercial orientation. Unlike agricultural, industrial and scientific activities, Dogs Victoria members' breeding is not an exploitation of animals for profit.

Furthermore, Dogs Victoria has argued that the broad scope of the proposed legislation comprises essentially a "one-size-fits-all" approach to "care and protection" of animals, and that family pets cannot sensibly be governed in the same framework as animals bred for food production, and industrial and scientific uses, without introducing complexity into legislation which must be accessible to all animal owners.

Accordingly, we have argued in each of our submissions that it is the considered view of Dogs Victoria that if not all domesticated animals then at a minimum animals that are registered with an Applicable Organisation would most effectively be governed under the Domestic Animals Act and accompanying regulations.

In relation to the Animal Care and Protection Bill Exposure Draft, Dogs Victoria submits:

### **PART 1 – PRELIMINARY**

2 Object (c) Nowhere in the proposed legislation are any strategies for promoting "**community awareness about the care and protection of animals**" detailed. At best, it would appear that this objective is to be achieved through enforcement actions taken against individuals.

4 Definitions "**activity involving animals**" is defined as meaning "a recreational activity in which animals are **used**" yet an "**event involving animals**" is defined as meaning "a sporting event in which animals are **used**" (examples given are horse racing and greyhound racing) and a "competition in which animals are **used**" (examples here are rodeos and camp-drafting).

Dogs Victoria submits that the use of these terms – “activity” and “sporting event” are mutually overlapping and confusing. The reference to the “use” of an animal is equally unclear. Are animals “used” by family members when taking their pets for socialisation and exercise? Is the activity of Dancing with Dogs a recreational activity or a competition? Are dogs being “used” when engaging in dancing/earth tunnelling/noseworks and indeed conformation showing. There are many more activities. Will family members exercising their pets be treated in the same manner as those who exercise dogs for reward?

We submit that there is a very significant difference between activities and/or sporting events conducted under the umbrella of Dogs Victoria for members and those conducted by commercial entities profiting from admission fees paid by the public, but the definitions do not distinguish between these very different purposes.

**“animal transporting”** (b) in relation to all animals ... transporting the animals in the course of carrying on a business”. Dogs Victoria is concerned that the breadth of this definition will unintentionally capture travel for welfare purposes, for example, a rescue organisation transporting a dumped animal to a veterinary clinic or a breeder with a Domestic Animal Business licence or ABN transporting a pregnant bitch to a veterinarian for a medical procedure.

It is Dogs Victoria’s very strong position that breeding should remain a “hobby” pursued by its regulated breeding members and should not be seen as a commercial activity requiring a licence and further regulation to ensure optimal welfare outcomes for their dogs.

**“intensive environment”** in relation to the keeping of more than one animal means an environment – (a) in which the animals are **mostly** confined to a small area, such as a cage, stall or pen. What is the meaning of “mostly”? More than 12 hours in 24?

Dogs Victoria notes that the RSPCA publicly advocates for crate-training of family pet dogs. If this entails a dog being crated overnight, will the owner fall foul of this provision, notwithstanding that the state codes for both the Private Keeping of Dogs (Appendix 4) and the Operation of Breeding and Rearing Business (6.5 Table 3) mandate and therefore contemplate the keeping of dogs in restricted areas.

Furthermore, will restricted accommodation of dogs, such as during public events; Dogs Victoria member events or the isolation of sick or injured dogs be captured by this definition?

The crating of dogs or the use of restricted areas provide dogs with a safe haven, a place of security and peace when otherwise the environment might be challenging. The use of crates or trolleys at Dogs Victoria events ensures that dogs are both safe and under control.

Dogs Victoria would therefore seek both that exemptions allowing the use of crates and confined (but reasonable) spaces by its members and recognition of the benefits of the use of such equipment be included in this definition.

6. **“Sentience”** We note again that this very important change in approach is to be left to regulations which remain unknown. We refer to Dogs Victoria’s detailed submissions in relation to the legislative recognition of animal sentience in the attached papers, and reiterate those matters.

Dogs Victoria acknowledges that dogs are sentient animals. Whilst we note the precaution that the inclusion of sentience is not intended to create legal rights or causes of action, we are concerned that the legislative recognition of “sentience” without specific exemptions will enliven animal activism which has a stated goal, inter alia, of eradicating all domestic animals.

## PART 2 – MINISTERIAL GUIDELINES

14 That the Minister may issue guidelines – Dogs Victoria is of the view that the Exposure Draft is, as we have argued in the previous submissions in relation to the then Directions Paper, so high level and generic that without examining the matters which will be detailed in both regulations and guidelines, meaningful engagement cannot be secured and that at best qualified support for the general principles, such as eradication of cruelty and aggravated cruelty, can be given. The power to issue guidelines is very broad – to assist a public authority to perform a function or duty or exercise a power (under any legislative instrument) “**that related to animals**’.

## PART 3 – ANIMAL CARE AND PROTECTION OBLIGATIONS

Dogs Victoria generally endorses the provisions within Part 3 of the Draft Exposure Bill, subject to better understanding of the identity of those persons who will make the assessments of whether an owner or person in charge of an animal or animals is properly attending to the minimum requirements (for example, some breeds of dogs are supposed not to carry weight and potentially could appear to be underweight and hence under-nourished to a person who does not have expert knowledge of that breed). We have argued previously that any expert advisory panel should include breed experts and breeder experts, and not simply medical or veterinarian-trained persons.

This is especially important given the severity of the stipulated penalties for breaches in this Part.

21 “**Cruelty**” Dogs Victoria submits that some clarification of the standard of “reasonableness” should be included this section

23 “**Aggravated Cruelty**” This section includes references to “mental condition”. Dogs Victoria is of the view that whilst in extremis, the “mental condition” might be apparent, at the other end of the spectrum, the ambit of subjectivity is worrisome, and causation – the link between the mental impairment and the alleged act of aggravated cruelty – may well be problematic. Again, clarification of the term “mental condition”, the identity and qualifications of the assessor and the right of an owner to challenge or appeal an unfavourable assessment, which could result in the euthanasia of the animal, should be specified.

26 We note in passing that whilst it is an offence to attend a place or event, it does not seem to be an offence under this Part to conduct or arrange or operate such an event.

30 With regard to the use (and sale) of shock collars, Dogs Victoria notes that presently shock collars are permitted to be used when under the guidance of a qualified trainer. Section 94(1) permits the Secretary to grant a licence to any person to use regulated shock devices, but no specifications are provided in the Exposure Draft as to who may apply for such a licence. Whilst Dogs Victoria prefers the use of positive reinforcement training approaches and supports only the very qualified use of shock devices in extreme circumstances, it recognises that the use of such devices potentially enables undesirable behaviours to be modified and thus may reduce the rate of euthanasia. For this reason only, Dogs Victoria submits that further consideration be given to use of shock devices under the guidance of qualified dog trainers who, in our experience, have greater knowledge and expertise in the field of dog behaviour than most vets. We understand that there are presently only three (3) veterinarians who are qualified in animal behaviour.

## PART 4 – CONTROL AND REGULATION OF CERTAIN USES OF ANIMALS AND RELATED PRACTICES

35 Definitions **body cavity of an animal** means any external opening in the body that can be accessed with crossing or penetrating the epithelium

**specified heritable defect** means a defect that is prescribed by the regulations ... known to cause a disease, that is prescribed by the regulations ...

s36(1) prohibits a person other than a veterinarian from performing a procedure that involves entering a body cavity **and** that ordinarily involves pain relief, sedation or anaesthesia

Dogs Victoria acknowledges that surgical procedures must be performed by registered and licensed veterinarians however many breeders perform actions which might be unintentionally captured by this prohibition, such as assisting a bitch to whelp a breach puppy. This necessarily requires the breeder to enter a body cavity to save the baby puppy and perhaps even the bitch.

The definition of “body cavity” includes the mouth – does this prevent a member of Dogs Victoria from removing an article causing a dog to choke, such as a bone or plastic item caught in the back of the dog/s throat – again, an emergency action taken to protect the life of the dog.

Many non-veterinarians are skilled in assisted reproduction techniques – are they now to be prohibited from engaging in these activities?

Dogs Victoria has argued in the past that many of its very skilled breeder members have greater knowledge and expertise in breeding matters than some run-of-the-mill veterinarians.

Again we submit that Dogs Victoria members should be exempt from compliance with s36 restricted procedures.

Dogs Victoria supports the prohibition in section 39 and the exemption in section 40(1)(a) and (2) but is concerned that section 40(1)(b) could have the effect of barring a dog whelped in Victoria but subjected to a controlled procedure in another jurisdiction from being shown upon its return to Victoria and seeks that its members be exempt from section 40(1)(b).

#### **PART 4 Division 4 – Heritable diseases**

Dogs Victoria members must comply with the state’s Code of Practice for the Private Keeping of Dogs which mandates onerous health guarantees and generous compensation to purchasers whose dog or puppy exhibits a defect within three (3) years of disposal that is traceable to the point of sale. Dogs Victoria reproduces this requirement in its own Code of Practice for Breeding and its members are also required to comply with its Code of Practice for Hereditary Diseases, which requires compliance with suitable screening procedures and tests for hereditary diseases where these exist.

Dogs Victoria submits that the wording of the sections 41 and 42 in this Division fails to recognise the relationship between polygenic and environmental causation of defects which may in certain breeds and circumstances be seen to be heritable but in others caused or significantly contributed to by environmental factors. An example is hip dysplasia which may be the result of unsuitable breeding but may result from inappropriate care (such as allowing young puppies to jump) or over-exercising.

Some defects may not be apparent or symptomatic at the normal time of puppy disposal (at 8 weeks of age). Dogs Victoria is of the view that it should be a defence to any criminal penalty (but not a release from the compensation under the Code of Practice) that a breeder demonstrates that s/he undertook the available testing prior to mating and that the results were acceptable for the breed concerned. There appears to be no defence exemption in this Division.

Further, Dogs Victoria notes with concern that many sections rely upon an unspecified test of reasonableness: here the test includes recklessness but no parameters or benchmarks are included in either of these paramount terms. Will the regulations import the common law tests of reckless indifference and reasonableness? Who will determine in the first instance whether a person in charge of an animal has behaved recklessly? The penalty is 60 points for a natural person. Does this imply that there are no gradations of recklessness?

## **PART 5 – CONTROL AND REGULATION OF SPECIFIED CLASSES OF CONDUCT**

63 use of an animal in demonstration of any product, device, equipment or process in contravention of the regulations

Again, the regulations may clarify the uses that are exempt, for example, the demonstration of the correct manner in which to lead walk a dog may involve the demonstration of a number of alternative walking devices. This takes place, for example, in puppy training classes where the focus is responsible dog ownership, however the section also captures demonstrations involving circus animals in circumstances where the use of the animal is strictly for profit-making purposes.

Dogs Victoria submits that such a provision again demonstrates that the “one-size-fits-all” approach will lead to anomalies that expose ordinary people doing ordinary activities with their pets to breaching the Act and to severe penalties and reiterates that domestic animals should be aligned with the Domestic Animals Act, the very name of which suggests its appropriateness.

### **PART 5 Division 3 – Carrying out certain procedures on animals**

67 the definition of “**specified reasons**” includes many actions undertaken by Dogs Victoria’s members to promote the health and well-being of their dog/s or breeds, such as promoting health; managing fertility and pregnancy; animal husbandry and management and promoting performance. These activities become prohibited “where a licence is required”.

Section 71(2)(a) would allow a member to carry out the procedure if acting in accordance with the instructions of a veterinarian.

It seems absurd that a member would be required to obtain veterinarian approval to promote the health of his/her dogs. Dogs Victoria acknowledges the expert medical knowledge of our well-trained veterinarians but disputes that they necessarily have the expert knowledge of animal management and husbandry. Many veterinarians do not and have never owned an animal; have never mated an animal; are unable to distinguish breeds within an animal species and are unaware of the hallmarks of breeds – all knowledge which may be instrumental to making a decision for a “specified reason”.

Once again, the procedures, the performance of which may constitute a breach, are to be noted in regulations which do not exist and which will impact the complexion of sections worded in a similar manner as sections 67-71.

### **PART 5 Division 4 – Administering certain substances to animals**

Dogs Victoria repeats the Division 3 concerns.

### **PART 5 Division 5 – Showing or exhibiting animals or using animals for entertainment**

Dogs Victoria and its 250 affiliates throughout Victoria engage in “exhibition” of animals. The primary purpose is not entertainment but to measure individual conformation and performance against the purpose for which the breed was developed. Whilst members of the public are not excluded from observing our activities, many of which are conducted in local council amenities, neither are they expressly invited and when attending, no admission fee is charged.

The affiliates, and Dogs Victoria itself, are not-for profit entities. Arguably a number of affiliates exist for the sole purpose of conducting a show, competition or trial (“exhibition”) for members, with entry dependent upon the payment of an entry fee, to mitigate the costs of conducting the event.

Dogs Victoria's submits that its activities are fundamentally distinguishable from those activities whose sole purpose is entertainment for profit, such as circuses; pony rides; horse and greyhound racing or public exhibition, such as zoos and aquariums.

Accordingly, Dogs Victoria submits in the strongest terms that Dogs Victoria itself and its affiliates should be specifically exempted from the operation of this division, and in particular should not fall within the characterisation of "carry[ing] on a business that wholly or partly involves the showing or exhibiting of animals ...". Further Dogs Victoria submits that there are no regulations which presently exist that apply to its activities and that subject to compliance with the requirements of Applicable Organisation status and the Domestic Animal Regulations, it should not be required to comply with any the restrictions noted in this division of the Exposure Draft.

#### **PART 5 Division 6 – Keeping an animal in an intensive environment**

Dogs Victoria refers to its introductory comments regarding the lack of clarity in the definition of "intensive environment" and reiterates its submission that Dogs Victoria members must comply with the space and exercise requirements in the state Code for the Private Keeping of Dogs.

#### **PART 5 Division 7 – Animal transporting**

Dogs Victoria repeats its introductory comments regarding the definition of animal transporting

#### **PART 5 – Division 8 – Activities and events involving animals**

Dogs Victoria repeats its comments relating to Division 5 and further repeats its comments regarding the lack of information pending the publication of relevant regulations.

Dogs Victoria seeks the advice of government as to whether it will accept our submission as to the differentiation between the activities and events conducted by and under the Dogs Victoria umbrella from those of a commercial nature and therefore exempt Dogs Victoria and its affiliates from any requirement to obtain a licence to continue to organise, arrange or operate those activities.

#### **PART 11 – ENFORCEMENT**

80(5) Dogs Victoria repeats its strong belief detailed in both its 2020 and 2022 submissions that all Authorised Officers should be state government employees and not local council officers or members of private organisations. Moreover Dogs Victoria considers all prosecutions for animal welfare offences should be undertaken by the state. We specifically direct your attention to Items 11 to 15 (pages 7 to 11) in our 2022 submission.

Dogs Victoria is concerned that the powers granted to Authorised Officers under the search warrant provisions are very wide and appear to allow Authorised Officers to search for a "thing" connected with or evidence of a contravention of the Act. The connection of the "thing" to the care and protection of an animal as described in the sections in Part 12 may be tenuous, but allow for the rights of the owner to be trammelled.

#### **PART 12 – POWERS TO ENTER, INSPECT, SEARCH AND RELATED MATTERS**

Further, entry without consent or warrant described in section 227(1) ff is permitted simply upon the determination of the Authorised Officer that an offence is occurring or likely to occur (that is, may not occur at all), without any external or third party oversight. The Act will provide for a gradation of offences but these provisions do not rest upon a determination that a serious offence is or has occurred. Neither do these powers require a non-compliance with the remedial or control notices

prior to entry. Section 234 provides such wide powers that it enables the Authorised Officer to seize property “unconnected with the power of entry”. Such a power seemingly exceeds those under the common law which prohibit “fishing exercises” and it is even more worrying that these excessive powers may be exercised by persons employed within a private entity not subject to public service checks and balances. It is noted that section 291(1)(b) empowers a Magistrate’s Court to return the “thing” if it is not required for evidence for an offence, that is, that the seizure is unrelated to the legitimate matter and is not even tangentially probative of an offence under the Act.

These search and entry powers appear to exceed the description in the Directions Paper and are concerning.

### **PART 13 – POWERS TO SEIZE**

261(5) If an animal is seized under Part 12, the Authorised Officer may seize anything that is necessary to meet the care requirements of the animal

This implies the Authorised Officer is entitled to seize the personal property of any of the incumbents of the dwelling, irrespective of the relationship of the owner of the property to the animal. The requirements of the seizure set out in section 263 do not include notification of any additional “thing” seized.

283(b) Dogs Victoria reiterates that a veterinarian may not be the appropriate person to determine whether an animal is aggressive or has behavioural problems, particularly when the assessment is likely to take place whilst the animal is in unfamiliar surroundings (such as a dog removed from its home and placed in a pound – refer the findings in the Comfry Report).

### **PART 14 – LIABILITY AND PROCEEDINGS**

302(1) provides for a limitation period of three (3) years for a wide range of offences including those giving rise to a power to seize the animal and a direction that the owner of an animal not be permitted to live with the animal. It is Dogs Victoria’s submission that this delay in finalising a charge or charges, where an animal has been seized, is detrimental both to the animal and in certain circumstances the owner and where the charge is not proved, effectively prevents the successful reunion of animal and owner.

## **CONCLUSION**

Dogs Victoria welcomes any legislation that promotes better welfare outcomes for dogs, but reiterates its entrenched position that Applicable Organisation members should be governed by one (1) Act of Parliament and that should be the Domestic Animals Act 1994 (as amended) and regulations under that Act. Dogs Victoria’s preferred position is that in addition, all domesticated animals should be regulated under the Domestic Animals Act 1994. The introduction of further legislation and regulations imposes an unfair burden on those required to comply but who lack the intellectual and educational capacity to comprehend legislative drafting.

Dogs Victoria endorses the proposal to develop a Care and Protection Fund and to the appropriation from this fund of moneys to raise community awareness of animal welfare and some of the other objects stated in section 323, but notes with disappointment that the Animal Care and Protection Compliance Fund will be the recipient of much greater revenues directed towards enforcement activities, and although educational activities are included in section 326, the context appears to be education with regard to compliance rather than the loftier goals of section 323 which are entirely dependent upon the goodwill of the Parliament.



Overall, Dogs Victoria restates its position that the proposed Act cannot be properly considered in the absence of the regulations which will provide the detail and machinery to implement the Act. Much of the drafting is general and rests upon undefined terms such as reasonableness, unreasonableness and recklessness. Although it appeared initially that the recognition of animal sentience was the trigger for the development of the Exposure Draft and its forerunners, sentience appears only in the context of distress and neglect, and there is no recognition of positive experience.

Disappointingly there is no specification of any educative approach in the Bill.

Dogs Victoria has commented only upon those parts of the Exposure Draft which are most likely to affect its dog-owning membership and has chosen not to comment upon such matters as the use of dogs in the scientific arena, industry arrangements, and specific matters such as traps and lures.

We have consulted with Animal Care Australia and understand that ACA will comment more broadly than Dogs Victoria but we endorse ACA's recommendations and approach to the matters in common with Dogs Victoria.

Dogs Victoria seeks further consultation with the government to clarify its position as it does not sit comfortably within the proposed scheme, being an association that arguably engages in activities with dogs and events with dogs but does so on a not-for-profit basis for the benefit of a closed class of members and their dogs.

15 October 2022

## **PLAN FOR VICTORIA'S NEW ANIMAL CARE AND PROTECTION LAWS**

DOGS VICTORIA appreciates the opportunity to comment upon the "Plan for Victoria's new animal care and protection laws" (*the Plan*).

As the original and largest canine Applicable Organisation and therefore a key stakeholder in relation to responsible dog ownership and breeding, DOGS VICTORIA reiterates its commitment to working with Animal Welfare Victoria to ensure optimal legislative outcomes for the welfare of all dogs.

DOGS VICTORIA represents the largest body of regulated and organised breeders of purebred dogs in Victoria and is affiliated with the national body representing purebred dogs throughout Australia, the Australian National Kennel Council Ltd. Accordingly, DOGS VICTORIA speaks in the interests of more than 35,000 active dog fanciers and purebred dog breeders, and their families. Moreover, through its Associate Dog register, DOGS VICTORIA represents the interests of many mixed breed dog owners. Once one adds in the number of Victorians with close relationships with our members through puppy purchases and life-long support, and our numerous dog activities (including Obedience, Agility, Rally, Field Trials, Dancing with Dogs, Earth Dogs and many other activities) offered to the general public, DOGS VICTORIA has an extensive reach within the canine community.

In response to the Directions Paper, DOGS VICTORIA expressed its concern that the proposal appears to be a "one-size-fits-all" approach and that domesticated animals – family pets – are to be treated in the same regime as farm animals – animals bred for slaughter or other commercial, profit-making purposes, and wild animals.

DOGS VICTORIA lodged a comprehensive submission to Animal Welfare Victoria and is disappointed that its significant concerns and proposals were not included in the Directions Paper Engagement Summary.

In this submission, DOGS VICTORIA reiterates its strongly held view that domesticated pet dogs, including breeding dogs, must be differentiated from other classes of animals in any legislative instruments.

DOGS VICTORIA notes that the proposed name of the new Act no longer incorporates the term "welfare", instead referencing the term "care and protection", implying a lessening in the standards required by the government.

### **1. Recognising Animal Sentience**

We refer to our earlier submission and expand thereupon:

*That dogs are sentient animals is indisputable.*

DOGS VICTORIA members recognise that their dogs may experience a range of emotions both at home and when participating in canine activities. Indeed, the canine activities conducted under the DOGS VICTORIA umbrella are designed to enhance and stimulate the dog's natural instincts and the purposes for which breeds were developed – for example, obedience, agility, herding, sledding and track & search. Likewise, conformation or dog showing showcases breeding to preserve structure and temperament to achieve those purposes. Through these activities, DOGS VICTORIA members maximise the positive experiences and emotional responses of their dogs.

The rationale for recognising animal sentience – safeguarding animal welfare before cruelty occurs rather than responding after acts of cruelty are discovered – is a non sequitur (see Section 7 – “aggravated cruelty” and “reckless and intentional cruelty”). Whilst DOGS VICTORIA acknowledges that cruel treatment may arise from unintentional or uneducated neglect, most examples of cruelty are intentional acts and will continue to occur notwithstanding the legislative intention and will continue to be dealt with ex post facto. DOGS VICTORIA reiterates its concern that no consideration is given to educational programmes to minimise poor care standards.

The previous Directions Paper indicated that causing “unreasonable pain or suffering” would be prohibited. The Plan now states that “legal activities” that cause “harm, pain and distress” will be regulated but does not indicate the nature or class of legal activities which will be regulated.

It is arguable that all required surgery will cause animals to suffer pain and distress, and treatments for disease may likewise do so. But denying necessary treatment is surely a worse harm. One relevant example is the performance of caesarean births where required.

Further, some “elective” procedures are undertaken to preserve and strengthen breeds. DOGS VICTORIA has previously submitted that artificial insemination and particularly surgical implantation of semen by trained reproduction veterinarians is essential to ensure genetic diversity and health of our breeding dogs, including by reducing hereditary diseases. The use of fresh and/or frozen semen may give rise to other welfare benefits: for example, enabling a stud dog to be collected, desexed and placed in a pet home reduces the number of dogs required to be kept by breeders to ensure ongoing health and genetic diversity.

De-sexing of dogs, mandatory in many of Victoria's local government areas, is likewise a procedure that not only gives rise to temporary pain and distress but also causes a permanent change to the dog's development. There is a great deal of scientific literature, which DOGS VICTORIA has previously referenced in response to the Directions Paper, which establishes that de-sexing, particularly juvenile de-sexing, gives rise to serious adverse health outcomes. DOGS VICTORIA opposes mandatory de-sexing of dogs and would welcome government initiative to prohibit this unnecessary practice except in very limited prescribed circumstances.

Neither the Directions Paper nor the current Plan give any indication of the “legal activities” which must surely be already identified by those proposing their regulation.

DOGS VICTORIA cannot endorse legislating to recognise animal sentience without understanding how this recognition will affect the breeding of purebred dogs by its members and what, if any, restrictions will impinge upon the other activities conducted by DOGS VICTORIA. Many issues are not addressed, such as whether, if an activity is prohibited or restricted, a right of appeal or reconsideration will be provided; what additional requirements may be placed upon members to continue to access activities which are presently "legal". DOGS VICTORIA is particularly concerned that the regulation of legal activities may make access to necessary services more difficult and expensive, and thus the impact on our dogs will in fact be negative.

DOGS VICTORIA again calls upon the Andrews Government to provide clarification of the nature of the regulations which will define "unreasonable pain and suffering" and "harm, pain and distress" and to consult with DOGS VICTORIA before endorsing the recognition of animal sentience in legislation and to provide better justification for the need for this change, especially as it will reduce the ability of the person best placed to make decisions relating to the welfare of their dog – the owner in consultation with their veterinarian.

## **2. Animals Covered by the New Laws**

DOGS VICTORIA notes the broad coverage of animals, which emphasises the inappropriateness of one Act regulating all animals, and again submit that companion animals do not fit comfortably into the proposed framework.

## **3. Legislative Framework**

DOGS VICTORIA remains of the view that companion animals owned by members of and registered with Applicable Organisations should be exempt from the requirements of any further legislation and should instead be regulated under the *Domestic Animals Act 1994 (DA Act)*, amended as necessary, to ensure optimal welfare for all animals within the Application Organisation framework.

A single Act covering the regulation of all companion animals would simplify the legislative framework and facilitate compliance. The new Act would be simplified by transferring the regulation of companion animals to an Act already in existence.

The Plan replicates the complexity of the current *Prevention of Cruelty to Animals Act 1986 (POCTA Act)* by attempting to regulate all animals, irrespective of their purpose (whether bred for slaughter; utilised in scientific experimentation or entertainment; undomesticated/wild/feral animals) at multiple levels (general and mandatory regulations, and "guidance"). Whilst it is claimed that the POCTA Act is prescriptive and detailed, the ambit of the new Act means that the level of complexity will remain similar but the prescription and detail will be transferred to the Regulations so that all those falling under the framework will require familiarity with both instruments, as is presently required. For example, it is stated that "if you do an action where there is a regulation, you must do it in the way the regulation states". This is of particular concern if the regulation deals with a veterinary procedure and fails to keep abreast of improvements and developments (and we note that the Regulations must be reviewed only every 10 years), or if the regulation mandates an approach where there

may be a number of alternatives. Again, this may obstruct a member's access to timely veterinary care if that member's veterinarian prefers an alternative approach.

The broad ambit will necessarily involve lengthy and complex drafting making the legislation (Act and Regulations) incomprehensible and inaccessible to ordinary people bound to comply with it. The proposed legislation will apply equally to sophisticated profit-making corporate structures and the "mum and dad" owner of one or two dogs or cats.

DOGS VICTORIA is concerned that the Plan only contemplates the drafting of the Regulations, which it acknowledges will encompass the detail missing from the new Act, together with infringements and administrative arrangements, only after the Act has received Royal Assent. In DOGS VICTORIA's view, the failure to provide at a minimum a broad outline of the proposed Regulations prevents informed consultation. Further, as is commented upon, Regulations can be altered without parliamentary oversight and without proper consultation with those affected. Experience has demonstrated that when altered Regulations have been made available for comment, there is no appetite to re-draft to take into account serious objection – the horse has bolted.

DOGS VICTORIA notes with concern the specific mention of transport of animals and exhibition of animals as matters for regulation under the new law. However there is no advice as to whether only commercial transport and exhibition is within contemplation or whether the regulations will seek to cover private transport and dog sports and activities such as those conducted by DOGS VICTORIA. In this regard, we refer to our submission in Section 9 below.

#### **4. Decision-making Principles**

DOGS VICTORIA is already subject to a similar approach under the *DA Act* and the Regulations relating to the granting of Applicable Organisation status. Under this scheme, DOGS VICTORIA members are required to comply with higher standards of care of their dogs than is required by state legislation.

DOGS VICTORIA supports the inclusion of animal care and protection considerations in decision-making and would welcome the opportunity to meaningfully engage with the legislation draftspersons in defining canine care and protection requirements as early as possible in the design of the Regulations.

An important example of a care and protection consideration is the role of the RSPCA in seizing animals that could otherwise be "rescued" by DOGS VICTORIA breed rescue and placed permanently or temporarily in a family home rather than an institutionalised facility where outcomes are very poor. It should be noted that animal shelters and pounds and private commercial organisations rarely receive purebred dogs. This is because registered Applicable Organisation breeders take great care when placing their puppies.

## **5. Application of the New Laws**

DOGS VICTORIA notes that Section 5 proposes an exemption for veterinary procedures and "legal and legitimate activities", which at face value appears inconsistent with the statement in Section 1 dealing with animal sentience that "legal activities" that cause "harm, pain and distress" will be regulated.

DOGS VICTORIA notes the comment that "Clarity is needed around the interaction of different animal-focussed legislation in Victoria" and endorses the intention that the new animal care and protection laws will "provide this clarity so that people can be confident they are not committing an offence when undertaking a legal and legitimate activity". DOGS VICTORIA agrees that clarity is required – and believes this would best be achieved by separate legislation for companion animals – but queries how a person could commit an offence if undertaking a legal and legitimate activity. DOGS VICTORIA is concerned that if this is the approach to be taken, the Act or Regulations will have to stipulate all legal and legitimate activities relating to animals and the care and protection standards, in addition to prescribed methods, which will be unwieldy and unachievable.

## **6. Care and Protection**

DOGS VICTORIA strongly supports the establishment of an enforceable "care requirement" and draws attention to the DOGS VICTORIA Rules, Regulations and Codes of Practice which mandate care standards in excess of government levels, and the obligation of members of Applicable Organisations to observe or exceed the codes under the *POCTA Act*.

DOGS VICTORIA welcomes the legislative intention to differentiate between offences of cruelty and failing to meet minimum standards of care offences, and considers that the tiered approach will result in fairer outcomes should enforcement actions be undertaken.

## **7. Cruelty Offences**

DOGS VICTORIA supports an escalating scale of cruelty offences and the prosecution of persons who undertake acts of aggravated cruelty and intentional and reckless cruelty against animals.

DOGS VICTORIA notes with concern the reference to guiding principles for courts dealing with cruelty charges and seeks clarification of how and when these guiding principles will be developed; whether DOGS VICTORIA will be consulted in their development (so far as they apply to alleged offences against dogs); whether courts must take the guiding principles into account or whether they are purely advisory and whether the guiding principles will be restricted merely to penalties.

Further, DOGS VICTORIA questions whether general and aggravated cruelty offences should be strict liability offences, rather than following the ordinary course that those prosecuting the offence must establish to the court's satisfaction that the offence occurred. Whilst the discussion comments that those prosecuting the offence need not establish intent, strict liability also reverses the onus of proof, and here this is a

reversal from a highly resourced agency onto potentially persons without means to properly understand the charge/s or to defend themselves.

DOGS VICTORIA also questions the level of penalties for general cruelty offences, and that there appears to be no appetite to include a term of imprisonment for directors of corporate bodies, however this concern may dissipate once the identification of general cruelty offences and their differentiation from care requirements is clarified.

## **8. Controlled Conduct**

DOGS VICTORIA notes the legislative intention to exclude common animal husbandry procedures from the definition of controlled conduct and notes that further consultation is to be undertaken to identify relevant procedures and to develop regulations. DOGS VICTORIA wishes to be directly consulted in relation to controlled conduct involving dogs.

DOGS VICTORIA further welcomes that regulations will provide for persons other than veterinarians to undertake classes of controlled conduct and again seeks to be consulted in relation to these classes of conduct, and in particular, with regard to the classes of non-veterinarians permitted to undertake artificial insemination of breeding stock. It presently appears that this exemption is limited to persons dealing with livestock.

DOGS VICTORIA wishes to draw attention to the apparent intention to restrict procedures to that enter a body cavity of an animal to veterinarians only. This would prevent a member from inserting a thermometer into the anus of a dog to determine its health or into a bitch to determine ovulation. DOGS VICTORIA appreciates and supports controls on dog fighting and the heinous actions enumerated as prohibited procedures, but reiterates that legitimate actions taken by our members to ensure the welfare of their dogs are likely to be unintentional victims of the intention to regulate or prohibit these manifestly cruel actions.

## **9. Framework for Specified Classes of Conduct**

DOGS VICTORIA is extremely concerned by the intention to include further regulation of "events in which animals are used in sport, competition or recreation".

DOGS VICTORIA has some 280 affiliated breed and kennel clubs and holds multiple "events" each weekend and on weekdays, either directly through its sub-committees or by its affiliated clubs. These events include numerous dog sports (for example: lure coursing; sledding; agility) and other performance events (for example: tracking; track and search; obedience; earth dog; dancing with dogs; trick dogs), as well as conformation dog showing. A full list of activities conducted by or under the auspices of DOGS VICTORIA can be found on the website. Some of these activities are undertaken at training/practice level and some at competition level.

Clearly, dogs are required to be transported to these events and are required to be kept under control whilst at the events.

In addition, DOGS VICTORIA holds public events at which showcase purebred dogs and provides education regarding responsible dog ownership. DOGS VICTORIA

publishes fact sheets on many aspects of responsible dog ownership including breed selection; legal requirements; health measures from worming to breeding, from care of puppies to care of geriatrics – all of which are available to the public.

DOGS VICTORIA has an established procedure for approving affiliation of dog clubs and has extensive regulations governing the approval and conduct of events, including the requirement to have a DOGS VICTORIA representative at every event to ensure and report upon compliance with the overarching requirements of DOGS VICTORIA; safety regulations (for example, the Extreme Weather Policy); health regulations (for example, the Infectious Diseases Policy); regulations relating to the conduct of organisers and participants at approved events and regulations specific to each activity.

Moreover DOGS VICTORIA has extensive and detailed compliance regulations and is a self-governing association.

This regulatory framework is taken into account and approved by the Minister when granting the continuation of the Applicable Organisation status.

Throughout the recent pandemic, Premier Daniel Andrews has repeated assured residents of Victoria that legislation must respond appropriately to the risks identified. To date, no risks have been identified by any community or government agency regarding the conduct of events by DOGS VICTORIA and its affiliates.

DOGS VICTORIA is licensed through the Applicable Organisation scheme under the DA Act to carry out, inter alia, events involving sport, competition and recreation. To subject DOGS VICTORIA to a further regulatory scheme would be inappropriate. In this regard, DOGS VICTORIA notes the reference to the *Subordinate Legislation Act 1994 s13*, and submits that any further regulation of DOGS VICTORIA activities would necessarily overlap with the Applicable Organisation regulations.

Further, DOGS VICTORIA submits that it is the body with the expertise to regulate the activities carried out with its approval, and that Authorised Officers would lack the specialised knowledge and expertise to monitor compliance.

DOGS VICTORIA accordingly differentiates its activities, affiliates and itself from those bodies carrying out activities for profit, commercial purposes and scientific research.

## **10. Scientific Procedures**

DOGS VICTORIA does not undertake any scientific procedures. DOGS VICTORIA members pay a compulsory levy to support canine research which is governed by an independent trust.

## **11. Authorised Officers**

DOGS VICTORIA reiterates its strong belief, advised in its response to the Directions Paper, that all Authorised Officers should be state government employees. The proposal now presented will potentially escalate the powers of non-government personnel, and enhance issue-motivated private organisations not subject to the same controls regarding bias and real or perceived conflicts of interest. Such



personnel and organisations are not subject to the ethical codes of conduct governing the behaviour of public servants.

The Authorised Officers may act in blatant instances of cruelty but other areas, particularly the presently unclear differentiation between failing care requirements and cruelty acts, may be much less clear. DOGS VICTORIA considers it essential that Authorised Officers are not swayed by special interest groups and political activists when exercising their extensive powers, and that regulatory controls are required to prevent inappropriate influence.

The argument that a single category of Authorised Officer would streamline and simplify their appointment is undercut by the recognition that differing specialist skills and differing roles will require different powers to be set out in the instruments of appointment. Further, whilst the approach may support improved enforcement, it is unlikely to support improved compliance which DOGS VICTORIA reiterates requires a significant commitment by the government to education. It is also of concern that a person inspected by an Authorised Officer will need to understand the instrument of appointment to be aware of the limitations on the power of that Authorised Officer.

## **12. Authorised Officer Powers**

DOGS VICTORIA welcomes the recognition that powers of Authorised Officers are to be exercised proportionally and in appropriate situations, but is concerned that the new legislation lowers the threshold for entry into private dwellings without the owner's consent.

The Plan does not set out any tests for an Authorised Officer forming a "reasonable belief". It is well-recognised that many complaints regarding animals lack credible bases or are misguided at best or false and vexatious at worst. The present requirement that a Magistrate grant a warrant before entry without an owner's permission allows the strength of the "reasonable belief" to be tested by an independent official, skilled in assessing the probity of evidence and the interpretation of statutory powers.

Entry made without the owner's permission should only be permitted in exceptional circumstances, prescribed in the legislation, and should be subject to justification *ex post facto*.

## **13. Seizure and Disposal of Animals**

DOGS VICTORIA repeats its submission regarding seizure of animals made in its response to the Discussion Paper.

DOGS VICTORIA strongly submits that the power to seize and dispose of companion animals should be highly restricted and only carried out by government officers.

DOGS VICTORIA submits that in recognising animal sentience, the new law should require consideration of the detriment suffered by seized companion animals, removed from their homes and held in uncompromising and hostile environments (refer the Comrie Report into the RSPCA Inspectorate).

DOGS VICTORIA again recommends that companion animals be treated differently to animals bred for slaughter or used in scientific or commercial research or for commercial purposes only, where the relationship between the animal and the persons responsible for care is at arm's length and lacks the personal quality of the relationship between owner and pet.

In relation to all companion animals, DOGS VICTORIA strongly opposes any legislative power to dispose of an animal whilst any review of the action is being undertaken. Whilst few DOGS VICTORIA members have been subject to animal seizure, we are aware of unreasonable delay by the agency – here the RSPCA – in bringing charges and expediting the finalisation of the prosecutions. Owners of companion animals have a right to challenge unilateral actions by agencies but are deprived of any information allowing an informed response or action to be taken until the agency causes the prosecution to advance. The owners of animals seized are denied access to their animal, are rendered powerless to expedite the matter, yet are exposed for the costs of animal in detention and the heartache of being separated from their pet.

The delay in bringing legal proceedings is repugnant to the rule of law, the presumption of innocence and the right to a fair hearing.

Moreover the agency is not required to consider alternatives to seizure, such as breed club rescue or placing the animal with a relative or friend, where it would continue to live in a domestic rather than institutional environment, where its sentient nature can be accommodated.

DOGS VICTORIA does support the power to give notice of intent to seize, where seizure is being contemplated and reiterates the important role of education to assist the owner to remedy any default in the care of the animal.

DOGS VICTORIA considers the proposal that a seized animal need not be retained and maintained during a court proceeding to be repugnant to procedural fairness and natural justice. Where the court finds the seizure unjustified but the animal has been destroyed, how is it proposed to return the owner to the position s/he was in prior to the unjustified or unlawful action? This cannot be remedied.

#### **14. Enforcement Toolkit**

DOGS VICTORIA welcomes the proposal to use Infringement Notices and Notices to Comply, and entrenching a right of review either internally or externally, together with the use of Enforceable Undertakings.

Each of these interventions enables the owner to remedy the default without resort to seizure, should provide an opportunity to educate the owner in relation to the default and should better secure a compliant outcome.

DOGS VICTORIA also supports the use of Court Orders in more serious cases.

DOGS VICTORIA submits that other than in exceptional cases of proven cruelty, these less intrusive measures should be required to be implemented before any seizure is permitted.

DOGS VICTORIA notes that these tools will require more interaction and oversight and trusts that there will be adequate resourcing and that measures will be in place to deter or prohibit Authorised Officers from resorting to more draconian interventions without first pursuing these notice procedures.

## **15. Administration**

DOGS VICTORIA does not oppose co-regulation but reiterates its comments regarding its status as an Applicable Organisation and the Ministerial approval of self-regulation. DOGS VICTORIA again submits that as an Applicable Organisation, its members should be exempt from conflicting legislative regimes and regulated under the DA Act.

## **16. Other Administrative Arrangements**

DOGS VICTORIA acknowledges that today's society is a user-pays society and advises that it pays an application fee to renew its Applicable Organisation status. DOGS VICTORIA does not receive any financial assistance from the government for undertaking the disciplining and regulation of its members, affiliates and activities, for maintaining a membership and dog register and for responding to enquiries by local government officers, but incurs costs, both financial and administrative, in participating in the scheme.

However, DOGS VICTORIA does not support utilising animal welfare as a revenue raising avenue for government.

In particular, DOGS VICTORIA opposes cost recovery for the maintenance of seized animals where alternative arrangements, more conducive to the welfare of the seized animal, were rejected; introducing licence fees for activities which have been carried on without any requirement for intervention or compliance monitoring being established; seeking cost recovery for veterinary treatment of seized animals where that treatment might be controversial or charged excessively or recovery of advertising costs.

DOGS VICTORIA submits that this is an area requiring proper consultation with all stakeholders.

DOGS VICTORIA agrees that all administrative decisions must be subject to a right of review.

DOGS VICTORIA refers to its earlier submission regarding the establishment of an Expert Advisory Committee, and reiterates its concern that the appointment of "experts" might be limited to those with academic qualifications and exclude those people with decades of relevant "hands-on" experience.

## **CONCLUSION**

DOGS VICTORIA welcomes legislative attention to the welfare of all animals but especially dogs, and in this regard is disappointed that the name of the Act, now "care and protection" could be seen as a dilution of the earlier commitment to animal welfare.

DOGS VICTORIA's concerns relate to the over-regulation of its members, as members of an Applicable Organisation, and the probability that a "one-size-fits-all" Act will detrimentally affect their current enjoyment of activities engaged in with their dogs, for the benefit of their dogs. DOGS VICTORIA wishes to emphasise the point that should need no explanation: that pet/companion animals do not fit comfortably into a legislative scheme designed to alleviate the suffering of animals bred and used for commercial gain/slaughter or scientific experimentation. The life experience of companion animals, so bonded to their families, is intrinsically different to that of other animals and consequently the application of government regulation into their lives is more intrusive and potentially more devastating.

Surely this is the essence of sentience.

DOGS VICTORIA has repeatedly submitted that a legislative scheme for the regulation of companion animals, at least those owned by members of Applicable Organisations, already exists – the *Domestic Animals Act 1994* and its regulations, and that further regulation is unnecessary, and again, to paraphrase the Premier, is not commensurate to the risk posed by the ownership of dogs by DOGS VICTORIA members.

In this way, regulation of members of Applicable Organisations could enshrine the Five Freedoms and Five Domains developed by Professor David Mellor and Dr Cam Reid, so relevant to the keeping of companion animals, in Codes of Practice under the *DA Act*.

DOGS VICTORIA is especially concerned that meaningful comment on the Plan for the new welfare Act is nugatory without an outline of the matters which will be detailed in the Regulations. The intention of the proposers of the new Act that it should be high level and thus a "simplified" instrument compared to the *POCTA Act* means that stakeholders are being asked to endorse legislation without any insight into the detail which will significantly impact the keeping of animals. Further, as is made explicit in the Plan, regulations are easily altered by Ministerial prerogative and there is no guarantee that any stakeholder consultation – let alone meaningful consultation - will occur prior to any alteration, or in the limited circumstances where comment is invited, that already drafted amended Regulations will be open to revision.

As is the saying: "the devil is in the detail".

Having participated in the information session, DOGS VICTORIA requests that further consultation take place on a one-on-one basis or at least with the Applicable Organisations which have very different concerns from those engaged in scientific research; the use of animals for commercial entertainment and those breeding animals for food production.



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The Hon. Jaclyn Symes MP  
Minister for Agriculture

**By email to: [engage.vic.gov.au](mailto:engage.vic.gov.au)**

Dear Minister Syme

**RE: A NEW ANIMAL WELFARE ACT FOR VICTORIA: DIRECTIONS PAPER**

We refer to the above discussion paper and are pleased to attach our responses to the issues raised in the paper.

We draw to your attention that DOGS VICTORIA's preferred approach is to regulate all Applicable Organisations under the Domestic Animals Act 1994, amended as necessary, and accordingly to exempt Applicable Organisations and their members from the operation of the proposed new legislation. Our rationale for this submission is set out in the attached response.

DOGS VICTORIA would welcome the opportunity to consult with you regarding our submission.

Yours faithfully

Vincent McPhee  
President

Jan Robinson  
Acting Vice-President

Victoria State Government:

## **A NEW ANIMAL WELFARE ACT FOR VICTORIA**

### **Directions Paper**

DOGS VICTORIA appreciates the opportunity to comment upon the Directions Paper for a new Animal Welfare Act for Victoria.

As the only canine Applicable Organisation, DOGS VICTORIA represents the largest body of regulated and organised breeders of purebred dogs in Victoria and is affiliated with the national body representing purebred dogs throughout Australia, the Australian National Kennel Council Ltd. Accordingly DOGS VICTORIA speaks in the interests of more than 35,000 active dog fanciers and purebred dog breeders, and their families. Moreover, through its Associate Dog register, DOGS VICTORIA represents the interests of many mixed breed dog owners. Once one adds in the number of Victorians with close relationships with our members through puppy purchases and life-long support, and our numerous dog activities (including Obedience, Agility, Rally, Field Trials, Dancing with Dogs, Earth Dogs and many other activities) offered to the general public, DOGS VICTORIA has an extensive reach within the canine community.

Members of DOGS VICTORIA are committed to breeding for the betterment of their breeds – to breeding strong, healthy, genetically diverse dogs which conform to well-recognised and approved breed standards. In so doing, our breeders minimise the risk of reproducing recognised hereditary and other health problems. Puppies bred to the accepted breed standards are more likely to develop conformation relating to their function (which assists in preventing injury) and stable temperaments characteristic of their breeds.

DOGS VICTORIA notes the rationale of the new legislation is to enhance the welfare outcomes of all animals in the state, and to legislate to safeguard animal welfare rather than prosecuting events of cruelty after their occurrence, but is concerned that the proposal appears to be a "one-size-fits-all" approach and that domesticated animals – family pets – are to be treated in the same regime as farm animals – animals bred for slaughter or other commercial, profit-making purposes, and wild animals.

DOGS VICTORIA is of the view that domesticated animals owned by members of Applicable Organisations should be exempt from the requirements of any further legislation and should instead be regulated under the Domestic Animals Act 1994,



amended as necessary, to ensure optimal welfare for all animals within the Application Organisation framework.

DOGS VICTORIA is strongly of the view that legislative policy should be guided by welfare and not activism. DOGS VICTORIA members are already highly regulated, having to comply with internal Rules, Regulations and Codes of Practice as well as state government legislation and delegated legislative and other instruments and local government requirements.

Each dog owned by a member of DOGS VICTORIA is traceable:

1. The member has a unique identifying membership number;
2. All members' dogs have a unique identifying number;
3. All members' dogs have a unique, independently registered microchip number;
4. All members who qualify to breed must obtain a unique Pet Exchange Register Source number (after completing Dogs Victoria breeder training);
5. Each member's dog must be registered with their local Council and has a further unique identifying number.

DOGS VICTORIA's Codes of Practice and internal disciplinary processes combine to mandate better welfare outcomes for dogs owned by its members than the standards required by state legislation. Few prosecutions of members have taken place over very many years.

Whilst clearly DOGS VICTORIA breeders supply puppies to pet purchasers, the activity of breeding lacks a commercial orientation. Breeders breed to produce their next champion in their chosen activity, whether it be conformation showing or a performance sport. Puppies and dogs retained by DOGS VICTORIA members are loved and indulged pets. DOGS VICTORIA members do not form part of an "animal-based industry" and are not "agricultural producers".

DOGS VICTORIA is strongly of the view that its members should not be subject to the same legislative and regulatory regime as those engaged in industrial and agricultural exploitation of animals for profit.

DOGS VICTORIA is concerned that the Directions Paper, and the survey questions it contains, are at such an abstracted level, without the important detail allowing meaningful responses to be given.

## **Theme 1: Safeguarding Animal Welfare**

### **1.1 Animal Sentience**

It is inconceivable that a DOGS VICTORIA member would dispute, or fail to recognise, that their dogs are "sentient". DOGS VICTORIA members participate in a wide variety of canine activities which take place in competitive, social and training environments, and require close cooperation between the dog and handler, built upon relationships of trust. Such activities underpin the importance placed by DOGS VICTORIA members on breeding for health and temperament.

DOGS VICTORIA members are clearly aware that their dogs may experience nervousness and happiness and a range of emotions both at home and when participating in canine activities.

However, DOGS VICTORIA cannot endorse legislating to recognise animal sentience without understanding how this recognition will affect the breeding of purebred dogs by its members. The Directions Paper indicates that causing "unreasonable pain or suffering" will be prohibited. It is known that some jurisdictions have prohibited "unnecessary" pain and suffering which extends to prohibit artificial inseminations and particularly surgical implantation of semen by trained reproduction veterinarians. These procedures are essential to ensure genetic diversity and health of our breeding dogs. Likewise the ACT now has prohibited breeding with a bitch that has previously given birth by caesarean section. There appears to be no proper scientific basis for this prohibition.

DOGS VICTORIA therefore calls upon the Andrews Government to provide clarification of the nature of the regulations which will define "unreasonable pain and suffering" and to consult with DOGS VICTORIA before endorsing the inclusion of recognition of animal sentience in legislation and to provide better justification for the need for this change, especially as it will reduce the ability of the person best placed to make decisions relating to the welfare of their dog – the owner in consultation with their veterinarian.

### **1.2 Minimum Standards of Care**

DOGS VICTORIA argues that minimum standards of care for dogs owned by members of Applicable Organisations are established by the codes of practice already in existence and by the higher level codes of practice which



Applicable Organisations are required to implement and discipline, and report upon in their Annual Reports and applications for renewal of status.

DOGS VICTORIA reiterates its contention that its members are already held to a higher level of care of their dogs and should be exempt from being subject to multiple legislative instruments.

There should be one Act which governs the keeping of dogs by members of Applicable Organisations. Members of DOGS VICTORIA should not be at risk of breach arising from numerous sources of animal legislation.

Accordingly DOGS VICTORIA responds to your questions as follows:

- (a) No. DOGS VICTORIA does not support a requirement to provide a minimum standard of care for animals in a **new** Act unless it exempts its members as it is of the view that the obligations placed upon members of Applicable Organisations and internally of its own motion more adequately secure a better welfare outcome for dogs than does state legislation and more adequately enforces those better welfare outcomes;
- (b) The examples of purely physical care indicate that the focus of the government is industry and agricultural production and not domesticated pets;
- (c) The Directions Paper does not explain the tests that would be used to assess a breach of either an "obligation" or a "duty of care", the latter being the subject of volumes of legal decisions, and in the absence of a full explanation, DOGS VICTORIA considers this question unanswerable. Potential obligations or duties regarding veterinary treatment for animals is particularly needing clarification – where competing treatment regimes are proposed, who will arbitrate? What decision-making role will vest in the owner? These are very significant issues which are deserving of proper elaboration.

### 1.3 Offences for Prohibited Acts

DOGS VICTORIA is of the view that there is an inconsistency under the current POCTA Act between defining cruelty to include acts likely to cause unreasonable pain or suffering and allowing councils to mandate the de-sexing of animals.<sup>1</sup>

<sup>1</sup> DOGS VICTORIA opposes mandatory spay/neuter approaches. Published and peer reviewed scientific studies find that de-sexing a dog, particularly before it has fully matured, can lead to significant long-term health impacts, including cancers (such as osteosarcoma, mast cell cancer, hemangiosarcoma, lymphoma, and lymphosarcoma), hip dysplasia, ligament damage, patellar luxation, incontinence, cognitive decline, fear and/or aggression and other behavioural issues, and even a shorter lifespan. Mandatory spay/neuter legislation targets all dog owners, regardless of their level of responsibility or the behaviour of their dogs. By legislatively mandating surgical procedures without consideration of the individual dog and its circumstances, the approach obviates a veterinarian's professional case-by-case judgment. This is in direct conflict with professional standards of care required of veterinarians. Routine neutering, especially in the case of non-free-ranging companion animals, raises significant ethical questions, and from some ethical perspectives, looks highly problematic. Our Position Statement can be found at <https://dogsvictoria.org.au/victorian-legislation/position-statements/3293/position-statement.htm>

DOGS VICTORIA agrees that acts of cruelty to animals should not be tolerated but considers that the most effective tool to prevent cruelty is education.

DOGS VICTORIA responds to your questions as follows:

- (a) DOGS VICTORIA partly supports the shift from prohibiting specific actions and behaviours that constitute cruelty to providing a set of general offence categories provided that prior to the introduction of such legislation the government clearly defines all the terms used to create an offence. The category 1 example given, failure to provide appropriate accommodation, is inherently unclear. Currently the Code for the Private Keeping of Dogs mandates that dogs under 40cm in height must have a minimum of 7 square metres. Presumably an owner would be in breach if the dog was housed in a crate, trolley or smaller enclosure during feeding or sleeping. The RSPCA has however recently endorsed crate training for dogs – this again would breach the example given.

Further, DOGS VICTORIA would only support the introduction of new offences if a comprehensive and effective education campaign was undertaken.

- (b) The escalation of offence categories is related to the escalation of penalties. DOGS VICTORIA conditionally supports the escalation of offence categories, subject to the comments in (a) above, if there are clear guidelines delimiting the categories and the penalties attached to each category are reasonable.
- (c) There is no question (c)
- (d) DOGS VICTORIA repeats its principle objection that members of Applicable Organisations should be subject to only one legislative regime and again suggests that the Domestic Animals Act 1994 could be utilised to provide a more sensible and systematised approach to the regulation of domesticated animals, in this case, our members' dogs.

- (e) DOGS VICTORIA believes in the principle that the punishment should match the crime. There is a great deal of subjectivity in the current POCTA Act. DOGS VICTORIA is of the view however that prosecutions under state legislation should be brought by persons employed under the provisions of the Public Service Act.

#### **1.4 Controlled Procedures**

Again, there is a bewildering lack of specificity given the enormity of the potential effects of legislating “controlled procedures”.

The Directions Paper indicates that categories of restricted or controlled procedures will be listed in Regulations. Regulations are necessarily brought into existence after the enabling Act, so respondents to the survey questions, and stakeholders and affected persons will not be made aware of the categories of controlled procedures, exceptional circumstances (if any) and restrictions until it is too late to be heard.

- (a) It is inappropriate to raise this question without divulging the nature of the controlled practices and establishing the scientific and ethical basis for arguing that all controlled practices apply equally to all animals.
- (b) This question lacks context and DOGS VICTORIA contends it is cannot be meaningfully answered.

## **THEME 2: A Simplified and Flexible Legislative Framework**

DOGS VICTORIA supports the simplification of animal welfare legislation in Victoria and reiterates that this could be efficiently achieved by utilising the Domestic Animals Act to regulate all animals owned by members of Applicable Organisations.

DOGS VICTORIA does not agree that a “simplified” Act can encompass pets, animal-based industries, agricultural production, animals used in scientific research and wildlife and pest animals. Such a broad ambit will necessarily involve lengthy and complex drafting making the legislation incomprehensible and inaccessible to ordinary people bound to comply with it. The proposed legislation will apply equally to sophisticated profit-making corporate structures and the “mum and dad” owner of one or two dogs or cats.

### **2.1 The Need for Broad Exemptions**

DOGS VICTORIA considers that the legislation governing the exempted activities should be complete and discrete, such that it would include the animal cruelty safeguards relevant to that activity – all regulation of the exempted activity would be set out in “a single place” and persons engaged in that exempt activity need not look to both the primary Act and the POCTA replacement.

Likewise all regulation of domesticated animals could be located in the Domestic Animals Act 1994 so that those concerned in the hobby of dogs or cats could identify all government requirements in the one source document. The POCTA codes could be transferred to the Domestic Animal Act, and members of Applicable Organisations need only search on the one name to be certain of identifying all legislative requirements.

Accordingly DOGS VICTORIA does not prefer either Option 1 or Option 2 but would prefer to see the animal cruelty provisions relevant to a particular sector reproduced in the legislation governing the activities of that sector. DOGS VICTORIA opposes any proposal to remove exemptions currently available to it as an Applicable Organisation under the Domestic Animals Act 1994.

## 2.2 Clarity of the Framework

DOGS VICTORIA agrees that the legislation governing animal welfare should be logical and unambiguous, and further agrees that the current framework is confusing and inconsistent. However ad hoc and poor drafting should not result in new legislation that is even more complex because it endeavours to be a "one size fits all". DOGS VICTORIA considers the relevant agencies should instead consider whether legislative clarity could be better achieved by sector-specific legislation incorporating relevant animal welfare safeguards. There would eliminate the need for exemptions and cross-referencing to other legislation. Simplified Codes of Practice could be introduced for each sector.

DOGS VICTORIA does not support either Option 1 or Option 2 because it does not support one primary Act for the reasons set out throughout its response to the Directions Paper.

DOGS VICTORIA's members are not engaged in canine-related animal-based industries or agricultural production. They are dog fanciers and pet owners who engage in various canine activities for the love of undertaking those activities with their dogs, and some of whom breed so that they can continue those activities with younger dogs and who supply remaining puppies to pet families.

## 2.3 Incorporating National Codes of Practice, Standards and Guidelines into the Framework

Again, the four Australian Animal Welfare Standards indicate that the focus of this legislative review is not domestic animals. Likewise the Guidelines for Exhibited Animals (zoos and wildlife parks) and the codes relating animals used

for scientific purposes have no resemblance to the manner of keeping domestic animals.

DOGS VICTORIA does not consider a single Act can clearly and simply cover all animals in the state, whether replicated by agreement in other states and territories or on a stand-alone basis.

DOGS VICTORIA therefore responds to the questions as follows:

- (a) DOGS VICTORIA, as a member of a national body, does not object to harmonisation of legislation among the states and territories but believes it should be sector specific, and in the case of dogs owned by members of Applicable Organisations, the national framework should be specific to those activities and animals. DOGS VICTORIA considers that significant and meaningful consultation with the Victorian Applicable Organisations should occur before any steps are taken to adopt a national framework which would alter the current regulation of domestic dogs.
- (b) See above
- (c) DOGS VICTORIA considers the use of animals in scientific research should be subject to stringent regulation and oversight.

## **2.4 Co-regulatory Schemes**

Whilst DOGS VICTORIA supports in principle the development and expansion of co-regulatory schemes, these appear inconsistent with much of the preceding discussion – viz. desirability of a single piece of legislation and single location covering all animal welfare safeguards. It also appears that this scheme will allow different standards of animal care. As DOGS VICTORIA considers its members are required to meet higher than minimal standards, it would seek to have discussions about formally entering into a co-regulatory scheme.

- (a) DOGS VICTORIA would like to explore further the idea of co-regulation but maintains that a single Act will be complex and will not assist the non-corporate and non-profitmaking sectors in understanding and meeting their requirements.
- (b) Not applicable.
- (c) DOGS VICTORIA would welcome consultation on co-regulatory schemes for all Applicable Organisations.
- (d) This is a matter for discussion during meaningful consultation.

## **2.5 Formal Role for Scientific Knowledge and Expert Opinion**



DOGS VICTORIA acknowledges the contribution of scientific knowledge and expert opinion from veterinary surgeons and specialists to the wellbeing of our dogs.

DOGS VICTORIA also acknowledges the lay expertise of many of its breeder members in the care (anti and post-natal) of all breeding animals and the nurturing of puppies. Many of our members have more extensive and more practical experience in the care and raising of dogs and many members have more experience in animal behavioural matters than scientists and certificated experts.

DOGS VICTORIA does not oppose the establishment of an expert advisory committee but cannot endorse same without examining its Charter or its composition. There is no explanation of the role or qualifications of experts in the Directions Paper and DOGS VICTORIA reiterates that within the confines of its activities, many of its members are experts.

These comments apply to Options 2 and 3. DOGS VICTORIA is interested in Option 3 but again, considers that this guidance should have been fully explained in the Directions Paper.

### **Theme 3: A Better Compliance and Enforcement Model**

That neglect-based offending is the most prevalent breach of the current POCTA cruelty provisions reinforces DOGS VICTORIA's concern that any enforcement must be preceded by a comprehensive and effective education campaign.

DOGS VICTORIA considers that Applicable Organisations are best suited to educate their members and that the government should make funding available to assist Applicable Organisations to fulfil government objectives.

DOGS VICTORIA agrees that any penalty must be proportional to the breach but suggests that before any legislative change is determined, the relevant agencies should investigate why and how breaches occur.

#### **3.1 Monitoring Compliance**

DOGS VICTORIA responds the questions as follows:

- (a) DOGS VICTORIA considers that enhanced powers to enable proactive compliance assessments have no place in relation to its members generally but could be an appropriate method where the alternative would be

seizure. As stated above, DOGS VICTORIA members are both highly visible and highly regulated. Further given the intrusive nature of this proposal, its potential to infringe upon persons' civil rights, DOGS VICTORIA considers that officers authorised to inspect its members' dogs and premises should be properly trained and employed by either the relevant council or the state government.

### **3.2 Permissions and Restrictions**

(a) – (c) As the only examples of restricted activities provided are rodeos and scientific research, DOGS VICTORIA would require more information to meaningfully respond to these questions, but in principle agrees that an escalating risk-based framework to safeguard animal welfare and ensure the proportionality of penalty outcomes is appropriate.

### **3.3 Managing Seized Animals**

DOGS VICTORIA is of the view that the seizure of animals should be reserved for the most severe cases of animal cruelty. DOGS VICTORIA has limited experience of its members having had animals seized but believes better outcomes for animals could be achieved if there were dialogue between the agency and the animal owner. DOGS VICTORIA acknowledges that some of its members may, either through ignorance, personal issues (e.g. mental health) or purposeful negligence, not comply with our codes and regulations, or the law and in these relatively few cases, the welfare of the animals is our primary concern. As documented in DOGS VICTORIA's submission to the 2017 EI&C Inquiry into the RSPCA, DOGS VICTORIA has been frustrated by poor communication with the RSPCA and lack of transparency regarding process, particularly in relation to seizure of animals. We have continued concerns about the physical and psychological well-being of seized animals and, most concerning, the refusal of the RSPCA to communicate with DOGS VICTORIA or the owner/member on matters of animal welfare. DOGS VICTORIA also has concerns as to the transparency of processes around seized animals. It is in the interest of the animal, the RSPCA and DOGS VICTORIA to collaborate where members are involved. We note that the Comrie Review was critical of the impact of the RSPCA keeping animals for prolonged periods in shelter conditions. DOGS VICTORIA's full submission dated 10 November 2016 was submitted to the Inquiry into the Domestic Animals Amendment (Puppy Farm and Pet Shops) Bill 2016

(a) DOGS VICTORIA would favour introducing a category prior to Alternative A which would be to assist the owner unable to rectify the situation to identify

- and re-home the animal. Only if the owner is unable or unwilling to identify a suitable home for the animal should the other Alternatives proceed.
- (b) DOGS VICTORIA believes that the person or agency responsible for making the decision on managing the seized animal should be an independent government official and certainly not the agency who seized the animal and/or prosecutes the owner.
- (c) DOGS VICTORIA believes that if the owner will not relinquish ownership of the seized animal, the enforcement agency should investigate placing the animal in a foster home. With regard to any dog owned by a member, DOGS VICTORIA wishes to see consultation with its breed clubs and breed rescue which could provide a more humane temporary or permanent outcome for the dog, and the owner.

DOGS VICTORIA would welcome an opportunity to discuss with the Minister the Topics for further development.



## Domestic Animals Regulations 2015 Sunset Review

1. I am or representing: Current approved applicable organisation
2. Microchipping –  
Do you consider current microchipping regulations to be acceptable?:  
No:
3. Which aspects if any of the current microchip regulations are working well for you/your organisation

Dogs Victoria supports the microchipping of dogs for the purpose of identification and reuniting lost pets with owners, and this appears to be working well.

4. Which aspects ... could be improved to better support you/your organisation  
There is a need for a single national microchip data base which provides for alternate contacts to ensure the animal's breeder is notified when a dog is collected as a stray

Consistent with previous representations made by Dogs Victoria, we continue to seek the retention of breeder details on the microchip database. The source number will not always identify the breeder of the dog. Dogs Victoria's registered breeders feel a sense of responsibility for dogs that they have bred, regardless of age, and are committed to assisting the reunification of pets with their owners, and rehoming of dogs where required.

Dogs Victoria submits that all private registries should contribute to a national database that is accessible by each registry and authorised officer. The current arrangement results in communication issues between registries and adds to time in identifying and reuniting lost animals.

Whilst not specified in regulations 11-48, the restriction on advertising puppies between whelping and microchipping at 6 weeks of age narrows the window for breeders to seek, investigate and approve suitable prospective homes. Dogs Victoria supports that no puppy should leave a breeder until it is microchipped however Dogs Victoria submits that the restriction on advertising should be removed for Applicable Organisation breeders. As submitted previously, Dogs Victoria members must register all puppies on our registry, and this cannot occur until the breeder has provided microchip details for each puppy. This self-regulation ensures that all puppies bred by Dogs Victoria breeders are always microchipped.

5. Do you consider that any of the microchipping regulations could be completely removed  
- Please nominate the relevant regulations

No However we refer to our response to question 4.

6. Do you consider any additional provisions are required to support the current microchipping framework?  
If yes, please provide details:

Yes Refer to responses 3 and 4

7. The current fee for Microchip registry is 76.3 units (\$1,213.17 in 2022/23). Do you think this is appropriate?  
If not, why not?

Unsure

## Domestic Animals Regulations 2015 Sunset Review

8. AOs and DOTOs: Do you consider the current AO and DOTO regulations to be acceptable?
9. Which aspects, if any, of the current AO or DOTO regulations are working well for you/your organisations?

Dogs Victoria appreciates the benefits to members that arise from Applicable Organisation status. In order to maintain these benefits, Dogs Victoria is willing to provide the information mandated by the current regulations.

10. Which aspects could be improved to better support you/your organisation?

Given that the renewals are for 2 years only, Dogs Victoria considers the annual report should be by way of an exceptions / changes report rather than effectively reproducing the extensive information required in the renewal application.

11. Do you consider any of the AO or DOTO could be removed?  
If yes, please nominate the sections

No

12. Do you consider any additional provisions are required to support the current AO or DOTO systems  
If yes, please provide detail

Yes

Dogs Victoria wishes to restate our objective is to preserve and improve recognised pure breeds. There are a number of limitations that place undue pressure on our breeders, in maintaining sufficient numbers of breeding animals to ensure genetic diversity especially in rare and endangered breeds. Dogs Victoria then submits that the definition of fertile bitch should be redefined to only cover the ages that a bitch can be legally bred.

Dogs Victoria members are highly regulated and visible and comply with a strict code of conduct and ethics and believe our members should have some additional exemptions such as those provided to members of Greyhound Racing Victoria, for example the PER.

Other benefits that should flow Applicable Organisation registered breeders include exemption on the restriction on advertising (see response to question 4, we further note that this restriction applies only to Victorian breeders and places them at a significant disadvantage compared with interstate breeders); exemptions from onerous local government planning controls where infrastructure is not required to be developed (eg change of land use permit); concessions for obtaining excess animal permits; consistent with previous submissions relating to Commercial Breeders Dogs Victoria maintains that there should be a separate category for Applicable Organisation registered breeders as distinct from commercial puppy farms (previous submissions have described a suggestion for category A and category B to accommodate those of our members who preserve endangered breeds as second or third breeds, and to preserve genetic diversity and health and welfare to benefit puppy owners. We are willing to further discuss this).

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Dogs Victoria views with concern the recent acknowledgement by Animal Welfare Victoria (AWV) of Commercial Breeders for profit by the awarding of a logo of approval and is disappointed that AWV have not adopted a similar approach to Applicable Organisation breeders. This unwarranted action has created in the public mind a perception that breeders for profit (commercial puppy farms) are more reputable than Applicable Organisation breeders.

Dogs Victoria requests that these additional matters are reflected in the Applicable Organisation provisions.

13. The current fees for AO and DOTO new applications is 100 fee units (\$1,590 in 2023/2024) for renewals. Do you think this is appropriate?  
If not, why not?

Yes

14. Commercial Dog Breeding/Animal Sale Permit and Declared Bird Organisation  
Do you consider the current CDB, ASP and DBO regulations to be acceptable?
15. Which aspects, if any, of the current CBD, ASP and DBO regulations are working well for your organisation?

Dogs Victoria believes that Commercial Dogs Breeding (ie puppy farming) should be strongly regulated. Dogs Victoria has no submission with respect to ASP and DBO.

16. Which aspects, if any, of the current CBD, ASP and DBO regulations could be improved to better support you/your organisation

We refer to our response to question 12.

17. Do you consider that any of the CBD, ASP and DBO could be completely removed?  
CBD, ASP and DBO If you please nominate sections

No

18. Do you consider any additional provisions are required to support the current CBD, ASP and DBO systems?  
If yes, please provide detail

We refer to our response to question 12

19. The current fee for CDB applications is 200 fee units (\$3,180 in 2023/24, 12 fee units for ASP (\$190.80) and 2 fee units for not for profit ASP (\$31.80) applications. Do you think this is appropriate?  
If not, why not?

No Due to the commercial and volume aspect of CDBs this fee is negligible. Dogs Victoria notes that this fee is less than the cost of one puppy.

20. Do you consider the current PER regulations to be acceptable?

21. Which aspects, if any, of the current PER regulations are working well for you/your organisation?

As it relates to Dogs Victoria and our breeder members, the PER is superfluous. Dogs Victoria breeders have a unique membership number, each of their dogs has a unique registered number, each of their dogs has a unique microchip number, and

## Domestic Animals Regulations 2015 Sunset Review

each of their dogs has a unique council registration number. With the exception of the council registration, Dogs Victoria maintains this information in a National database. Dogs Victoria can link every puppy to its mother and father, and self-regulates breeding practices including age, number of litters, first degree matings, and most importantly regulates the relationship between breeder and puppy/dog owner. We submit that our members and their dogs are highly visible and highly traceable.

22. Which aspects of the current PER regulations could be improved to better support you/your organisation?

We refer to our response to questions 12 , 21 and 23

23. Do you consider that any of the PER regulations could be completely removed? If yes, please nominate sections

Yes We refer to our response to questions 12 and 21 and additionally note that when applying for a source number, a breeder must provide detailed information about every bitch on the breeder's property, notwithstanding that a bitch may have never been bred or no longer be a breeding bitch. Animal Welfare Victoria has never supplied a reasonable explanation as to why it requires the particulars of litters whelped prior to the introduction of the PER by bitches who are now well outside a breeding age.

24. Do you consider any additional provisions are required to support the current PER system? If so, please provide detail

No

25. The current fees for a source number is 1.5 fee units (\$23.85 in 2023/24). Do you think this is appropriate? If not, why not?

Yes

26. Dangerous Dogs and Restricted Breed Dogs  
Do you consider the current DD and RBD regulations to be acceptable?

27. Which aspects, if any, of the current DD and RBD regulations are working well for you/your organisation?

Dogs Victoria would welcome feedback from AWW on the effectiveness of the DD regulations. Dogs Victoria recognises that the public must be protected from the actions of dangerous dogs.

28. Which aspects of the current DD or RBD regulations could be improved to better support you/your organisation?

Dogs Victoria has never supported breed specific legislation.

29. Do you consider any of the current DD or RBD regulations could be completely removed? If yes, please nominate the sections

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No We refer to our comments above.

30. Do you consider any additional provisions are required to support the current DD and RBD regulations?  
If so, please provide detail

No We refer to our comments above.

### 31. Re-uniting Pets

Do you consider the current reuniting pets regulations to be acceptable?

32. Which aspects, if any, of the reuniting pets regulations are working well for you/your organisation?

Dogs Victoria breeders are involved in reuniting pets with owners and we refer to our comments in response to question 4 in relation to retaining breeder details on the microchip.

33. Which aspects of the current reuniting pets regulations could be improved to better support you/your organisation?

We refer to our comment in question 32.

34. Do you consider that any of the reuniting pets regulations could be completely removed?  
If yes, please nominate the sections

No

35. Do you consider any additional provisions are required to support the current reuniting pets regulations?  
If yes, please provide detail

Yes We refer to our comment in question 32.

36. Infringements – current value of a penalty unit is \$192.31  
Are any of the current infringement penalties in Schedule 5 too high a penalty for the specified offence?  
If yes, please provide detail as to why

We refer to our response to question 36

37. Are any of the current infringement penalties in Schedule 5 too low a penalty for the specified offence?  
If yes, please provide detail as to why

We refer to our response to question 36

38. Are there infringements that should be added or removed from the list?

Left blank

39. Are there any areas of domestic animal management that are not currently regulated that you would like to see regulated? Please provide details.

## Domestic Animals Regulations 2015 Sunset Review

Dogs Victoria submits that the current focus of the regulations should apply to breeders who are not otherwise regulated through membership of an Applicable Organisation.

40. Is there anything else you would like to tell us?

Dogs Victoria welcomes a further opportunity to engage in meaningful discussion with all stakeholders and especially government officers responsible for Domestic Animal Management.