

21 November 2014

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Dear Ms Chandler

Thank you for your correspondence regarding the upcoming 2014 Victorian election.

The Victorian Coalition Government acknowledges the Australian Veterinary Association's interest in this matter and your ongoing contribution to animal health and welfare.

Please find below responses to issues raised in your election platform.

Parliamentary review into the effectiveness of the restricted breed legislation

The Victorian Coalition have taken strong steps to reduce the impact of dangerous dogs.

The Victorian Coalition Government has been uncompromising in its efforts to protect the community against dog attacks. Significant changes have been made to control ownership of dog breeds that were historically bred for fighting and for their aggressive temperaments.

This action was taken following the tragic death of four-year-old Ayen Chol, who died in 2011 after being mauled in her own home by an American Pit Bull Terrier dog that escaped from a neighbouring property.

The Coroner made three recommendations:

- That the Victorian Parliament expressly prohibit the breeding of restricted breed dogs, with criminal sanctions to apply;
- The onus of establishing that a dog, suspected of being a restricted breed dog, is not a restricted breed dog, be placed on the owner of the dog; and
- A recommendation that Veterinarians be required to report if they have been called to treat what they believe is an unregistered restricted breed dog.

In response to these recommendations and widespread community concern following this tragic incident, the Coalition Government ended the previous government's amnesty that allowed owners of unregistered restricted breed dogs two years to register animals with their local council.

We also took steps to increase the onus of responsibility on owners of dangerous dogs of all breeds by introducing harsher penalties. The owner of a restricted breed dog can be jailed for up to 10 years if their dog kills someone, or for up to five years if their dog endangers someone's life.

With the exception of the controls over specific breed types the Calgary model is almost identical to the Victorian model, including utilising registration to aid funding of animal management.

The Victorian model has to operate over 79 Councils as opposed to the Calgary model which operates across a single province the size of large Victorian Municipal Council.

Responsible owners of lawfully-registered restricted breed dogs have nothing to fear from the Victorian Government's tougher laws.

Owners of pit bull terriers who registered their dog before the amnesty ended on 30 September 2011 were permitted to keep them, provided they are desexed and microchip-identified.

The animals must be contained within a secure enclosure at the home, as well as muzzled and kept on leash at all times when in public. These are reasonable safety precautions expected by the wider community.

The dogs determined to be of a restricted breed are: American Pit Bull Terriers (or Pit Bull Terriers), Perro de Presa Canarios (or Presa Canario), Dogo Argentinos, Japanese Tosas, or Fila Brasileiros.

These dogs are the same breed of dogs listed as prohibited imports under the Federal *Customs Act 1901*.

They are dogs that were initially bred for fighting and are very powerful dogs that can do a lot of damage if they attack (as evidenced by the death of 4 year old Ayen Chol).

Under the *Domestic Animals Act 1994* a person is entitled to a reduced registration fee if their dog has undergone obedience training.

There are free training programs on responsible dog ownership available on line (<http://www.depi.vic.gov.au/pets/community-and-education/responsible-dog-ownership-course>) and magistrates can make court orders for certain people to complete this course in a controlled and supervised session.

Additionally the levy collected from pet registration (\$2 per cat and \$3.50 per dog) provides: over 900 school and 2100 kindergarten visits, free, to educate children on dog bite prevention throughout Victoria annually.

A program, free of charge, in over 70 antenatal hospitals and 700 maternal child health centres to educate parents on managing children and pets

The DEPI website provides a wide range of education programs and fun activities promoting responsible pet ownership (<http://www.depi.vic.gov.au/pets/dogs>)

DEPI also publish and provide a variety of information brochures that councils can order free of charge for their own distribution (last year over 180,000 brochures were requested and supplied).

The Code of Practice for Breeding and Rearing Businesses be reverted to prior revision

The Coalition Government has already bolstered the Code of Practice so that female dogs are now strictly limited to just 5 litters of puppies, with annual health checks and compulsory post birth vets checks required.

In August the Victorian Parliament also passed the Coalition's tough new laws that send a clear message to dog and cat breeders that the Government, and the Victorian public, won't tolerate animal cruelty. The new laws included:

- A 'fit and proper person test' for breeders;
 - anyone found guilty of animal cruelty offences will be banned from running, owning or managing a breeding or rearing establishment for 10 years.
 - applies retrospectively, so existing businesses being run by people who have been found guilty of animal cruelty in the past decade will be shut down.
- Compulsory detailed records for pet shops to ensure animal traceability;
 - pet shops will be forced to keep detailed records on the source of every dog and cat they have for sale.
 - these records can be used by Council and RSPCA officers to investigate and prosecute illegal puppy and kitten farms who are doing the wrong thing.

Rogue puppy and kitten breeders have been put on notice. They will no longer be able to hide.

Only the Victorian Coalition can be trusted to crack down on illegal breeders and protect puppies and kittens

Labor turned a blind eye to puppy and kitten farms during a decade in government and **puppy and kitten farms were out of control under Labor.**

In stark contrast, the Victorian Coalition Government has a strong record of achievements. Since 2011 the Government has:

- reduced the number of breeding dogs that a domestic animal business can have;
- introduced a world-leading mandatory Code of Practice for dog and cat breeders that includes 100-plus prescriptions, including mandatory vet checks, breeding limits and retirement plans as well as housing, nutrition, exercise, socialisation and staffing ratio requirements;
- banned breeding businesses from using wire floor caging and euthanasia by blunt force trauma;
- made it law that all dogs and cats advertised for sale in Victoria advertised must have a microchip number, and given the RSPCA the power to investigate and fine people who do not comply;
- given RSPCA and Council authorised officers the explicit power to enter an illegal puppy or kitten farm to seize animals;
- more than doubled penalties for cruelty and aggravated cruelty. Aggravated cruelty now carries a \$72,624.12 fine and up to two years jail;
- increased the penalty for running an illegal puppy farm from \$1195 to \$24,208 for individuals, or \$88,566 for a body corporate;
- increased the penalty for failing to adhere to the mandatory Code of Practice from \$1195 to \$36,312 for an individual and \$88,566 for a body corporate, and
- given courts the power to ban a person from owning animals for up to ten years.

The Victorian Coalition Government has granted greater powers and an extra \$6 million to the RSPCA to shut down rogue and illegal puppy farms and enforce Victoria's world-leading, compulsory Code of Practice for Breeding and Rearing Businesses.

The Coalition's tough new laws are working:

- A man from Cannons Creek convicted of 23 offences under the *Domestic Animals Act* (DAA) and 16 offences under the *Prevention of Cruelty to Animals Act* (POCTAA) was banned from owning dogs for 10 years under the DAA.
- A woman convicted of offences relating to confinement, failure to feed and failure to treat under the POCTAA has been banned from owning dogs for seven years, while another woman convicted of similar charges has been banned from owning animals for 10 years.

This man and woman – and any other person guilty of animal cruelty offences - are now banned from registering, owning or managing a domestic animal breeding or rearing business for 10 years.

Only a Victorian Coalition Government cares enough to bring in world-leading laws and penalties that will protect puppies and kittens and drive cruel breeders out of business.

Restricted acts of veterinary science returned to the Veterinary Practice Act 1997

Where concerns have been raised regarding therapeutic practices that may lead to animal welfare concerns, the coalition have asked the Animal Welfare Advisory Committee to provide advice regarding possible options and the most appropriate steps to take to address the concerns. We would seek their advice on this issue.

Veterinary practices to be exempt from registering as a domestic animal business if running puppy socialisation classes.

Under the *Domestic Animals Act 1994* a person is entitled to a reduced registration fee if their dog has undergone obedience training. Many groups provide obedience training.

It is up to the interpretation of councils to determine if an operation fits the definition of being a Domestic Animal Business (DAB) for the purposes of council registration. A domestic animal business is defined as an enterprise that is run for profit which carries out the rearing, training or boarding of dogs or cats.

Under the Act the Department of Environment and Primary Industries (DEPI) are not able to direct Councils. DEPI provides advice to Councils to assist in determining whether a business meets the definition. In particular Councils have sought advice regarding 'run for profit'.

It is understood many councils have had talks with their local dog training groups about the activities they do in the community and have indicated that the councils may be able to assist the clubs with funding in some of these areas.

AVA issue – Legislation to address tail docking of cattle

Under the National AGMIN forum's priorities Victoria has taken the lead for hosting the Animal Welfare strategies.

The proposed Australian Animal Welfare Standards and guidelines for cattle will not allow tail docking. The broader dairy industry has been working with dairy farmers on phasing out tail docking and we will consult with them regarding the timing for introducing legislative change to reinforce the phase out of the practice.

Yours sincerely



DAMIEN MANTACH
State Director