

TRANSCRIPT

STANDING COMMITTEE ON THE ECONOMY AND INFRASTRUCTURE

Inquiry into the Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016

Melbourne — 15 November 2016

Members

Mr Joshua Morris — Chair

Mr Khalil Eideh — Deputy Chair

Mr Jeff Bourman

Mr Nazih Elasmr

Mr Bernie Finn

Ms Colleen Hartland

Mr Shaun Leane

Mr Craig Ondarchie

Participating member

Ms Samantha Dunn

Staff

Secretary: Ms Lilian Topic

Witnesses

Mr Wayne Fleming, president,

Ms Sylvia Power, compliance officer, and

Dr Terri MacDonald, policy and legislation officer, DOGS Victoria.

The CHAIR — I again declare open the Standing Committee on the Economy and Infrastructure public hearing and welcome all those present. Today the committee is hearing evidence in relation to our inquiry into the Domestic Animals Amendment (Puppy Farms and Pet Shops) Bill 2016, and the evidence today is being recorded. All evidence taken today is protected by parliamentary privilege. Therefore you are protected against any action for what you say in here today, but if you go outside and repeat the same things, those comments may not be protected by this same privilege. I welcome the witnesses who are present this afternoon. I will get you each to state your name and the capacity in which you are appearing before the committee today and then move into any introductory comments. We will follow with questions from the committee. Over to you.

Mr FLEMING — I am Wayne Fleming, president of DOGS Victoria.

Ms POWER — My name is Sylvia Power. I am a field officer with DOGS Victoria.

Dr MacDONALD — I am Terri MacDonald. I am the legislative officer with DOGS Victoria.

Mr FLEMING — DOGS Victoria is pleased to appear before the inquiry into the proposed domestic animals amendment bill. As you know, we have prepared a detailed written submission to the committee which outlines our concerns with the bill. We appreciate being given the opportunity to appear at this hearing and to further discuss the points we have raised and answer any questions that you may have.

DOGS Victoria is the peak representative body of pedigree registered dog owners and breeders in Victoria. We also represent the interests of non-pedigree owners, who are members of our associate register. There are approximately 10 000 members and 280 affiliated breeding and kennel clubs registered with DOGS Victoria. We have some 1600 active breeders in DOGS Victoria, who must comply with the code of ethics and the transparent regulations.

As noted in our submission, DOGS Victoria was not consulted in any form prior to the bill being tabled, and we believe that if we had have been consulted, many of the concerns may have been avoided. While we are supportive of the intent of the bill to prohibit the unregulated, unregistered and commercial breeding of dogs, we have serious concerns as to the effectiveness of the bill in achieving this aim. Commercial puppy breeders have stated that they will move their operations interstate and continue to sell puppies into Victoria. Unregistered backyard breeders, who for the most part do not meet existing regulations and rules, such as microchipping and vaccination laws, will continue to operate under the radar. However, DOGS Victoria breeder members who follow the rules and regulations will be caught by the flaws in this bill.

The bill also impacts on local councils, which were for the most part not consulted on this bill. MAV has provided evidence to this committee that the bill is unworkable and burdensome and should be scrapped and started again. Our own investigations have found that many councils are largely unaware of their obligations under the proposed legislation and others have said that they do not have the resources or mechanisms in place to deal with what the bill would require of them. Given that councils are to be tasked with the granting, administration and compliance elements of the bill, the lack of consultation with councils and the MAV and the apparent shifting of both the administrative and cost burdens to local government, which is already under-resourced, puts further doubts on whether the bill can be enforced effectively even if it is passed.

Leaving that aside, the bill in its current form will see less puppies bred by ethical registered breeders, and those that do continue will have to cover excessive costs regarding DAB registration, planning and in compliance with the code that is designed for commercial-scale breeding. The results will be that someone looking for a loving family pet will most likely source their puppy or kitten from interstate from a commercial breeder or an unregistered breeder that generally have little regard for puppies beyond the sale. There are other impacts too on the supply of service dogs, assistance dogs and working dogs, which are bred for a purpose and with much dedication and investment by their breeders on producing dogs that are fit for the purpose. We will now go to our PowerPoint presentation.

Visual presentation.

Dr MacDONALD — I have just put together a very quick PowerPoint presentation because there are lots of complexities and unintended consequences that occur as a result of the bill. I will just explain them in terms of what they mean for DOGS Victoria breeders.

Essentially the bill requires breeders to become registered as a domestic animal business. The problem is that those who live in residential areas, green wedge areas or residential rural areas are covered by town planning laws, and there are a large number of councils that have already said that they will just not issue them if you are in a residential area, regardless of what the state regulations are for the breeding of animals. Others that can be registered as DABs will find themselves in a situation where there is a complex layer of permits and approvals that need to be granted.

You also have the situation where councils will treat their DABs very differently; there is different pricing. We have had DAB price systems that are from a couple hundred through to several thousand, and they have to be renewed annually. Even if you are not breeding, if you do not renew your DAB every year, then after two years it lapses and you have to go through the whole process again. And of course the only appeal is through VCAT, which I will not go into.

The DABs essentially tie you into what is known as the code of breeding. The problem we have with this is that essentially it is for commercial purposes. It is meant to be the code that looks after the commercial puppy farms; it gives them a minimum standard to work from. It is not suited to small hobby breeders, to working dog breeders or to people who are breeding on a very small scale for specific issues and who are not making a great deal of money out of it, if anything at all. The other thing is that if you have more than five dogs, if you have six dogs, you get classed as a large DAB. The problem with that is that you could have desexed dogs, you could have puppies, you could have rescues at home and then suddenly, if you have over five dogs, which is actually very easy to do — they do not need to actually be fertile; they do not need to be breeding dogs — then you are suddenly a large DAB and you have to put in commercial-standard kennels, you have to have specific areas for whelping and you have to have isolation rooms. You also have to have a plan in terms of retiring your breeding stock, which means that if you cannot rehome them then supposedly you are meant to euthanase them. These are recommendations which do not sit well with our particular breeders, for whom for the most part their dogs are their family. It is also inconsistent with the code of practice for the private keeping of animals, which does not seem to have the same six-dog trigger for some reason.

This is something I just want to spend a little bit of time on. We have done a survey of over 1200 DOGS Victoria breeder members. These are people who have prefixes. Not all of them are active. Just to explain, if you have a prefix it does not mean that you are actually breeding. They are two separate things. Over 90 per cent of them were not DABs. The ones that were have them for boarding operations. They might be commercial boarding kennels so that is why they have them. Seventy-seven per cent lived in residential areas. Only 18 per cent lived in farming zoned areas, where it is easier to get a DAB. Over 42 per cent thought their chances of getting a DAB were poor. That is a substantial number of breeders who did not think, even at this stage, that they would actually be able to meet the first requirement.

Just to give you an idea, the majority of our respondents are small hobby breeders. They reflected our membership very well as a sample. Over 77 per cent owned between one and three fertile breeding females, so that gives you an idea that they are not a huge number. Over half of them had registered a litter, but most of those were just one to three litters in a year. Quite often we will have breeders who will breed once every two years or once every three years. So these are not large-scale breeders.

I will just quickly go through this. The biggest problem for us is, looking at this, 24 per cent about breeders said right up from the start that if this bill goes through it will finish them in terms of their breeding as DOGS Victoria registered breeders. Another 45 per cent were unsure because they cannot get the information from their councils, which themselves are not quite sure how they would enforce this bill. So it is actually a real problem at the moment.

The other thing I will very quickly point out is that of course this impacts on foster arrangements. A lot of pedigree breed clubs will also do breed rescues and will take in dogs of their particular breeds or associated breeds and find homes for them. The other thing though is that it impacts on obedience clubs and dog sporting clubs which are not for profits. They will actually have to become registered domestic animal businesses — DABs basically — and they then have to adhere to a code for training, which is a commercially based code. There is certainly room in the sector for commercially based training of dogs, but there is a real need for community-based dog training — the ones you see in your local park. As you are driving home at 4 o'clock on a Saturday afternoon, they are there. They offer very low-cost dog training with volunteers who are very well skilled, for the most part. They provide such an important service to the community. This bill will impact on

them in terms of things like their incorporated status, potentially, their ability to get grants from councils and their ability to lease grounds from councils. It will impact on their insurance; it will impact on a whole range of things. This bill does not just affect breeders — of course that is what we are talking about for us — but we also have affiliated clubs and societies which do the dog training and the dog sports, and they will be negatively impacted as well. So this is actually a very wideranging bill which has lots of unintended consequences.

Mr FLEMING — We will just conclude by saying that we need time to consult to find a workable system that would achieve the end goals to assure the best practice of breeding, raising and finding suitable homes for well-bred dogs and cats is maintained. We are more than willing to work with the government, at both local and state level, as well as other sectors, including the RSPCA and the AVA, in finding a solution that sees the intent of the bill realised. However, we cannot in the meantime support this deeply flawed legislation.

The CHAIR — Thank you. We will move into some questions now from the committee. I am aware that there were some discussions that were occurring between the minister and/or the department and DOGS Victoria. I am just wondering if the committee might be able to get an update on those discussions.

Mr FLEMING — The last update was that they were prepared to move on the words ‘domestic animal business’ and call it a ‘recreational breeder licence’, so that is the same thing. Given our concerns with local councils being able to manage the system, they were prepared to speak with the planning minister in order to produce some guidelines for councils to work with, but they were unable to produce the guidelines or anything further. They did talk about perhaps having a phasing-in period to 2018 for the legislation.

The CHAIR — So really the discussions were about tinkering around the edges rather than substantive changes to the bill?

Mr FLEMING — Yes, there was nothing, and anything that we offered they said was not negotiable. So basically it was just a tinkering, as you said, around the edges.

The CHAIR — I am interested in the council permits for registering a DAB.

Dr MacDONALD — Yes.

The CHAIR — That goes through a process as with any other permit that can be applied for by council? It could potentially be taken to the chamber and voted on by councillors and the like?

Dr MacDONALD — What we have found out so far is it can vary between each council. From what we understand, you would need to have the planning approvals in place before a DAB is granted, which means you have to go through a planning approval application process — that does not necessarily mean that you will actually get it — and there are hoops to jump through.

Just to give you an illustration, I am actually a registered breeder. I live on a property in a farming area. I have 5 acres. I have a very good council. I am going through their planning processes at the moment — not for a DAB, just because I have got a female and I will breed — and I am up to about 18 months of working with them, and I am still no closer. I have a kennel application sitting there, which I have not been able to do anything on because they will not approve that until I have actually got the other planning approvals set. I will make the point that they are a very good council. It is just that the process is so involved and so lengthy and it has to go through so many different channels, and that is just the way it is.

So in terms of putting the DAB on top of that, I am kind of dreading to think. When I spoke to my local council officers, they said, ‘Well, we’re not quite sure what they will have to be. It might mean that you have to have things like, if you have a kennel, you can’t have the pens facing each other’ and things like that. So they cannot give me any information on what it might mean if I was a DAB.

The CHAIR — So we have the potential here of, what, 10 000 breeders across the state of Victoria needing to go through the process that you are going through at the moment, and it has taken you 18 months?

Dr MacDONALD — Well, we have 10 000 members, and they are not all breeders.

The CHAIR — Sorry, we are talking not just your members. We are talking about all breeders across the state of Victoria and we have heard evidence that there is in the vicinity of 10 000 breeders.

Dr MacDONALD — Yes, with the workload on the councils I shudder to think of how they would even begin to manage that.

The CHAIR — It is a very good point.

Mr LEANE — I understand that to comply with the breeding and rearing code at the moment — and I am happy to be corrected — you need to have a DAB; is that correct?

Dr MacDONALD — If you are a DAB, you are required to adhere to the breeding code; that is correct.

Mr LEANE — To the code?

Dr MacDONALD — Yes.

Mr LEANE — So I have no doubt DOGS Victoria's expectation of the amendments is that, if that is the case, they should adhere?

Dr MacDONALD — Yes. If you are registered as a DAB, which means you have more than 10 fertile females, under current legislation then, yes, you have to adhere to the code.

Mr LEANE — You put a previous slide up that indicated the amount of members that have less than six breeding dogs. There was a percentage that you put up before in one of your slides.

Dr MacDONALD — I will go back.

Mr LEANE — Sorry.

Dr MacDONALD — No, that is okay.

Mr LEANE — So 77 own between one and three.

Dr MacDONALD — One and three females, yes.

Mr LEANE — I would imagine in that 77 logged there would be less of a percentage with just one, as well.

Dr MacDONALD — Yes, this impacts on everyone. But there is a difference between fertile females and the six dog trigger, because you could have one fertile female and five desexed dogs and it still triggers you under the code.

Mr LEANE — And on a previous slide, 97 respondents were currently not — —

Dr MacDONALD — No. We have a very low number of breeders who would actually hit that number which would require them to become DABs, and the majority of the breeders that are DABs — or people who said they have a DAB — who are DOGS Victoria members have them for things like commercial dog kennels. Some of them do commercial dog training, specifically for things like service dogs and assistance dogs and things like that, so they DABs for that.

Mr LEANE — Then on a slide after that it was 24 per cent of the members surveyed indicated that they continue to breed under the proposed — —

Dr MacDONALD — Sorry, that is a typo. So 24 per cent of members thought they would be able to continue; 45 per cent were unsure — I will correct that, yes; and 20 per cent said that they could no longer breed. Yes, sorry.

Mr LEANE — Okay, thanks; there was some confusion there. I might come back if there is time.

Mr BOURMAN — Thanks for your presentation. I have just been trying to work out roughly how many puppies are going to be born to registered breeders all over Victoria. I am just trying to get that into my head. I guess it is pretty hard unless you actually count every one. But how many would, roughly, be born per year?

Ms POWER — In the last 12 months our figures tell us that there were approximately 17 000 puppies born for registered — DOGS Victoria-registered — breeders.

Mr BOURMAN — And roughly what percentage of registered breeders of dogs in Victoria would DOGS Victoria cover, do you think?

Dr MacDONALD — Of all the puppies?

Ms POWER — Of all puppies?

Mr BOURMAN — Yes, just in gross terms.

Ms POWER — Well, there were figures done on a national basis which I think said that registered breeders — as in, in that case, ANKC breeders, so DOGS Victoria, Dogs SA, Dogs West or whatever — covered about 12 per cent of the total number of puppies born.

Mr BOURMAN — I am just trying to figure it out. We had evidence previously about the total number of puppies required to cover the amount. Basically where I am going with this, I guess, is: if this legislation goes through, it is clear a lot of people do not think they have got a future in breeding dogs. What happens is anybody's guess at this stage, but if the numbers reduce by the amount you could reasonably expect, it is going to drop the number of ethically produced puppies. So I guess my next leading question is: where do you think they are going to get the rest of the puppies from, assuming the numbers are roughly correct?

Dr MacDONALD — Very easily. They are going to get their puppies from unregistered backyard breeders, who fly under the radar at the moment. There is evidence in our submission of at least one account that has come back to us of a backyard breeder who has basically told a DOGS Victoria registered breeder, 'Oh well, this won't apply to me because they can't catch me anyway', and they know fully well that this will be something that hits the registered breeders.

The commercial puppy farms — you know, the ones which are meeting the standards like Banksia Park — have already stated that they have property interstate. They will move interstate and they will follow all of the rules and regulations as they have done, but they will still continue to sell into Victoria. This is not going to alleviate any of those issues. The big issue for us is that we will see a lot of our small hobby breeders fail to be able to get their DABs, or they will not be able to continue because of the expenses involved, and we will see a reduction in well-bred pedigree dogs which are health tested, which have got known pedigrees and which are fit for purpose in a lot of cases to do the assistance work or the security dogs. People will have to either try to get their dogs from interstate or they will have to go elsewhere if they are looking for a puppy.

The other thing I should mention too is that those DOGS Victoria breeders that do stay will, in order to cover their costs, for the most part have to increase the price of their puppies to compete against the backyard breeders and the commercial breeders who will not have the same problem. This is just going to be more of an issue for us than anyone else, and we are quite concerned that we were never consulted when the bill was being considered and was being drafted.

Mr BOURMAN — Thank you. DOGS Victoria has a code of conduct, as I understand it. How do you enforce that code of conduct?

Ms POWER — We have a full set of rules, regulations and codes of practice which, because we are incorporated organisation, are passed and accepted through the Associations Incorporations Act, and when people join DOGS Victoria they have to sign off on their application form that they will abide by obviously all the state laws, local council laws and DOGS Victoria codes, rules and regulations. Those rules and regulations are enforced by an investigations and discipline procedure that we have set up, whereby we have a field officer presently, a compliance officer and an investigations officer, and then following on from that, investigations committees, that deal with all of these complaints. The organisation has committed to actually increasing and improving that structure with an addition of two field officers and an independent investigations officer to undertake a full audit of all DOGS Victoria breeder members over a period of three years.

Mr BOURMAN — What happens if someone fails the audit, for instance? What is the procedure?

Ms POWER — It goes through an investigations process and then a discipline process, and then the sanctions can range from in the case of a first offence of something very, very mild — a slap on the wrist virtually — right through to a full suspension, depending on the severity of the problem.

Mr BOURMAN — Has there ever been a case of anyone having to be referred to the RSPCA or a council or one of the regulatory bodies?

Ms POWER — DOGS Victoria certainly have had communications with councils. We have not been required to report anything to the RSPCA. In several cases we would appreciate a better line of communication with the RSPCA, and we are moving towards hopefully an MOU with the RSPCA, because often they have information that we need in order to follow through a proper investigation procedure. We would look forward to a much better line of communication with both the RSPCA and local councils. We work very well with local councils on joint approaches to problems which often involve issues with compliance with the Domestic Animals Act et cetera but also with things like hoarding, which is becoming a huge problem. We are wanting to work with the councils on that for the sake of our members' dogs and our members.

Mr BOURMAN — I have one last question that anyone can answer. Do you see that this bill as it sits now, if it went through, would have any net effect on animal welfare?

Ms POWER — Personally I believe it would have a negative effect on animal welfare.

Ms HARTLAND — How many compliance officers or employees do you have?

Ms POWER — Presently we have a compliance officer and a field officer, and, as I say, the commitment is to increasing that number of field officers to three and adding another compliance officer to that level.

Ms HARTLAND — So if you get a complaint about a member of DOGS Victoria, how is that investigated?

Ms POWER — Initially if the complaint comes from an external source, then the person that the complaint is about will be visited by a field officer. It is one of our regulations that when you join DOGS Victoria you sign off on the regulation that actually says — if I can find it; it is regulation 3.7.7:

It shall be a condition of membership that a person, or persons, so authorised by management committee may inspect the premises of any member and examine the dogs on the premises at that time.

So we will inspect. We are not authorised officers, so we do not have the right to enter the house and we do not have right of seizure, but we will certainly draw up a report which will be submitted to our management committee, which will then be sent on to the investigations process. We often will, depending on the circumstances — and as I referred back to the hoarding situation — try to encourage the member, if the situation is appropriate, that they may wish to surrender some animals to us to care for through whatever process follows down the track. We have not had any large-scale situations with that yet — hopefully not.

Ms HARTLAND — Can I ask about the Heather Healey case? I am going from newspaper articles, so I would like to clarify some facts about this case. It is my understanding that a large number of animals were seized from that property and there were four dead dogs there. Am I correct in believing that Ms Healey was a member of DOGS Victoria at the time this happened?

Ms POWER — Yes, that is correct. There were no dead dogs on Ms Healey's property. There were dead dogs — —

Ms HARTLAND — But there were a large number of dogs seized from her property?

Ms POWER — Correct, by the RSPCA.

Ms HARTLAND — And she was a member of DOGS Vic at that time?

Ms POWER — That is correct, yes.

Ms HARTLAND — So had you had any complaints about her before that raid occurred?

Ms POWER — No, we had not. The RSPCA informed us that the raid was happening at the time that the raid was happening. We expressed the wish to be involved, but that did not happen because the RSPCA has certain privacy issues. I am referring back to the MOU of being able to work together in situations like this.

Ms HARTLAND — So nobody ever made a complaint to DOGS Vic about her behaviour?

Ms POWER — Not about Heather Healey presently.

Ms HARTLAND — In the last 10 years?

Ms POWER — There was a previous episode, yes.

Ms HARTLAND — And I understand that she was suspended?

Ms POWER — Correct.

Ms HARTLAND — And then she was readmitted?

Ms POWER — Correct.

Ms HARTLAND — So there was no added audits of her property, considering she had been suspended?

Ms POWER — No. At that stage we did not have in process what we have now, which is when a person comes back from suspension they have to apply for readmittance and they are then inspected — audited — before they are readmitted. That regulation was not in place then; it is now.

Ms HARTLAND — All right. So she was suspended in 2010, and in 2016 her property was raided. I understand from the articles that a whistleblower from DOGS Victoria had stated that they were told just to do a telephone audit; is that correct?

Ms POWER — I have absolutely no knowledge of that.

Ms HARTLAND — Okay. I am just a little bit concerned that for an organisation that talks a lot about self-monitoring and that there is really no need to do what this bill intends, that you have had a member who has seriously breached what all of us would think is basic animal welfare processes and it does not appear as if you really have any strong auditing process. As I understand it, that raid occurred this year, so when did you change your auditing processes?

Ms POWER — We had a change of administration and management committee in June, and we have altered our compliance procedure since then. We are as horrified as you are of the situation, and we determined that that will never happen again. That is why we have introduced very strict new broad structures for handling situations like this.

Ms HARTLAND — How many members do you currently have who are breeders?

Ms POWER — We have 3900 prefixes registered, but that does not mean that they are breeders. A lot of people have prefixes — they may have ceased breeding but they have kept their prefix, or they may never have intended to breed anyway — but on our statistics that we have just done over the past 12 months there were some 1600 people that bred litters in the last 12 months.

Ms HARTLAND — All right. I know you have already said that you are going to be increasing your field officers, but even with, let us say, 3000 members who are breeding — —

Ms POWER — No, 1600.

Ms HARTLAND — Even with 1600, how with that number of staff would you expect to be able to do any serious auditing of your members? I am really getting to the issues of self-monitoring, which is one of the things that I think is important in this legislation.

Ms POWER — Sure. We have looked at the numbers, and we have determined that that is possible because we have broken down into different tiers. The first tier that would be audited would be what we call the flagged members, which are something like Heather Healey or anybody else where we may have had calls from councils or whatever that there may be an issue with those members, and we have determined that we would manage that within six months. We would do those within six months. Then there is another tier of members that have registered a certain number of litters that we think we should do in the next tier, and we decided that that would take us the following 12 months. Then the next lot, which are basically the vast majority of our members, with one, two, three girls and they live in the house. Also we have been able to group them into

geographical areas, because there are a lot of suburban areas that are fairly dog friendly and quite a few people live there, so you are going to be able to knock over four or five of those in a day. We have looked at the numbers and determined that that is what we can manage.

Ms HARTLAND — Just a couple more questions on the Heather Healey case: when her property was raided she was still a member of DOGS Victoria?

Ms POWER — Correct.

Ms HARTLAND — Is she still a member, or has she been expelled?

Ms POWER — No, she is not. She is suspended.

Ms HARTLAND — Has she been expelled or suspended?

Ms POWER — Suspended. Our rules and regulations do not have the capability to expel members, but we can certainly attempt to do that. We can attempt to change the regulations for a case of compulsion. The problem with the particular case that you are referring to is, again, because we were not present at the actual seizure, we have very little hard evidence to use against the member. Now, that is again part of the problem of not being part of the seizure process and being present. As you can understand, we are hit with solicitors' letters, so we have to make our case to be as watertight as we possibly can. I do not know that the RSPCA case against Mrs Healey has actually proceeded yet either.

Ms HARTLAND — So you would need to wait until that court case proceeded before you could — —

Ms POWER — No. We have not got our own evidence.

Mr FLEMING — We have attempted on a number of occasions, and we have met with the RSPCA and asked for information on the case, and they have refused based on their policy of privacy, so we do not know what happened.

Ms HARTLAND — So she is suspended?

Ms POWER — Correct, and she will need to be audited if and when she reapplies for membership.

Ms HARTLAND — Then with such a member, to make sure that they were complying, if she was readmitted, how often would you then inspect her property?

Ms POWER — Possibly every 12 months. As I said, we have the requirement for anybody applying for readmission, they are audited then. Then going on from that, depending on what their activities are, they may well fall into the category of having regular audits.

Ms HARTLAND — Every 12 months does not sound like very much, because for someone who has clearly got a problem with the way they manage, and I am going on a newspaper article — —

Ms POWER — That would assume she is readmitted to membership.

Mr FLEMING — Yes, that is assuming she is going to be readmitted.

Ms HARTLAND — Well, she was once before.

Ms POWER — Things have changed.

Ms HARTLAND — So when she was suspended in 2010, was it for similar concerns?

Ms POWER — No. There was no requirement then to audit prior to readmission.

Ms HARTLAND — Have you ever reported one of your members to the RSPCA or local council?

Ms POWER — I would not like to answer that. I am not aware — —

Ms HARTLAND — Could you take that on notice?

Ms POWER — Certainly.

Ms HARTLAND — Or the local council, whoever the appropriate authority is.

Ms POWER — The local council — yes, definitely.

Dr MacDONALD — We tend to have a very workable relationship with local councils, and they are the ones that issue the permits. So we have a very positive relationship in a lot of cases with councils. We are working on that relationship with the RSPCA. We have approached them because of concerns over things like this and the need to not only continue to improve our own internal regulations but also get across to the RSPCA that really we want a partnership so we can deal with these situations. But that is still in process.

Ms HARTLAND — I have got one last question. I just want to make sure that I understand this clearly. One of your objections to the bill is that you think DOGS Victoria can and should self-monitor. This is a very new area to me, but having been involved in a number of issues over the years where I have found that self-monitoring has failed continuously, do you not think that having overarching legislation for the protection of animals is a better system than any organisation self-monitoring their members?

Ms POWER — Our concern with this bill is that the enforcement of compliance would seem to us to be virtually impossible. Presently, as other speakers have made evidence of and as we do too, some councils are under-resourced and they really do battle to enforce the current layer of compliance. This is an enormous new section that they would be needing to do, and we are just not convinced it would happen. But at the same time it would have the unintended consequence of many of our members possibly not being able to comply with the basic requirement of having a domestic animal business, which seems to us to be really over the top for somebody living in a suburban block with one fertile female dog. That is our problem.

Mr FINN — Can I just ask you to confirm what I thought I heard you say before, and that is you were not consulted about this bill prior to it — —

Mr FLEMING — That is correct, yes.

Mr FINN — No consultation at all?

Dr MacDONALD — No.

Mr FLEMING — None whatsoever.

Mr FINN — I have to say that does surprise me just a little bit. When did you first know about this bill?

Dr MacDONALD — When it was tabled.

Mr FINN — How did you find out? Did someone call you, or did you happen to be passing the table office?

Ms POWER — Actually, we were just about to have a meeting of our group that is working on our applicable organisation status application and we received an email on the way to that meeting, and we all sat there dumbstruck.

Mr FINN — What action did you take when you were made aware of the legislation? Did you have any contact with the government?

Mr FLEMING — Yes, I think we rang them straightaway. We had met previously, because I have only been appointed since June. We had meetings with the government, with the department and the RSPCA — basically to introduce myself. We did ask if there was any legislation on the table, and they said there was none that they could talk about with us. So when this came out and we heard about it, we rang the department. I am not sure of the sequence, but we actually met with the department and we met with the minister's office about it and started some formal discussions around our concerns.

Mr FINN — Do you have any idea on why the department would not want to speak about legislation which directly affects you?

Mr FLEMING — No. We are most concerned, and we expressed that because we thought that actually has a major impact on our members and the welfare of our pedigree dogs.

Dr MacDONALD — I think that is a question for the department.

Mr FINN — It probably is. What was the response that the department gave you when you raised these concerns with them?

Mr FLEMING — They were sworn to confidentiality; they would not tell us.

Mr FINN — You were sworn to confidentiality?

Mr FLEMING — No.

Mr FINN — They would not discuss it with you?

Mr FLEMING — We spoke with the department and they were not able to talk to us about it.

Mr FINN — It just gets weirder and weirder. I am a bit flabbergasted by that, I have to say. On the bill itself — and I do not want to put words in people's mouths, as you would understand, Mr Chairman — would it be fair to say that this is going to create a new level of bureaucracy for no real benefit to anybody?

Dr MacDONALD — If this particular bill goes through, then I would agree with that, mostly because I cannot see it actually achieving its aims. I do not believe it will improve animal welfare in its current form. If anything, there will be negative impacts, I would suspect, in some of the implications of the bill. For example, the issue about if you have an accidental litter — however you define that, which is also another issue — then with those puppies you get a get-out-of-jail card if you give the puppies away. Now, that is never an ideal way of rehoming puppies: to give them away or to surrender them to a shelter or a pound, where the environment is less than ideal for developing puppies. So yes, there will be long-term impacts, and I believe they will be negative in terms of the animal welfare because of this bill.

Mr FINN — Might the government have been aware of that if they had asked?

Dr MacDONALD — If they had asked us, yes, we would have told them.

The CHAIR — I am just hoping to get some clarity around what is happening now. In terms of your work and the monitoring of your members, obviously you have got the work that you do. They are registered members; you have got a code that they need to abide by. Under the new legislation, if it was to go through, I think all of that would fall to local governments. Local governments, as it is widely acknowledged by the MAV and others, have absolutely no capacity to be able to do this. I am assuming that DOGS Victoria does not claim to be perfect in any way, shape or form. But one would imagine that a framework where you have a membership organisation that is monitoring its own members is going to be better than councils that have absolutely no capacity whatsoever to monitor those who are breeding dogs in municipalities. Would that be fair to say?

Dr MacDONALD — I think you would need to look at things like Pyramid Hill in order to understand why we have concerns about councils' abilities to enforce regulations. We have Heather Hill, and we may even have one or two other members. They are on our radar for the most part. If they are not on our radar, then we want to know about them, because we want to deal with them. The point I would make is that we are being proactive in looking for these people. We are going to do an audit of all of our members over three years, and that will not be a once-off; it will be a rolling audit — that will be continual. We want to put forward the fact that we understand that there are compliance issues. We want to enforce them amongst our membership because we want to hold them to a standard which is above everything else.

The CHAIR — It appears we could go from a space where we have some compliance issues, a relatively few number of issues, to basically no oversight whatsoever and say that this is going to achieve better animal welfare outcomes. Is that a true summation of your view?

Ms POWER — It would certainly seem so. The experience and issues that we have presently with our local councils — it sounds like we are bashing the councils and that is not fair — is that they struggle to do the

compliance through the planning process and the granting of extra animal permits and all that sort of thing. The idea of actually enforcing compliance over all of these extra people just does not make sense; it does not make any sense at all.

Mr LEANE — Dr MacDonald, you mentioned small hobby breeders. Do you think that there should be some form of registration by the authorities of the small hobby breeders? Do you think there should be some form?

Dr MacDONALD — My view is that it is not necessarily adding layers of regulation that we need to do. We need to look at what regulation we have at the moment and work out how it can be better enforced — for example, microchipping laws I think certainly would need to be addressed. At the moment if you have a litter that you give away free, then you do not have to microchip, which is another get-out-of-jail-free card. So I think that there are certainly aspects that need to be looked at, and we are happy to work with government on that, but in terms of just putting a blanket, one-size-fits-all regulatory policy on top of everything is actually going to have very negative effects and is not going to achieve what the government wants to achieve.

Mr LEANE — You might not be able to answer this, but it seems that this bill is very polarising. We accept that everyone's evidence is given 100 cent in good faith. It seems that all the witnesses that have come before us are at heart animal lovers. They are not especially dog lovers. Your evidence is that the bill would be adverse to animal welfare, whether it be dogs or so forth. The RSPCA's evidence is that it will actually be an improvement to animal welfare. I know that that is an organisation that you work in with and you will try to work with in the future as well. I know it might be hard to answer, but how do you think — —

Dr MacDONALD — I think that what you need to sort of look at is that while we are working with the RSPCA, we certainly do have a difference of opinion on some things. In terms of our perspective, we have gone through this bill and we have had a good look at it. It is not just us. I know that some of the smaller foster care organisations are concerned about the impact of the bill on them. Unless you are the RSPCA — and I will be frank — which would benefit from this bill because of how they are structured, I think that there would be a lot of negative impacts for others. So it really does need to be a case of this bill being started again or looked at again and with proper consultation. We really cannot support it in its current form.

The CHAIR — Thank you all for your evidence today. I just remind you that you will receive a transcript of evidence in the coming weeks for proofreading, and it will ultimately make its way onto the committee's website. Once again, thank you for your attendance today.

Witnesses withdrew.