



THE FINCH SOCIETY OF AUSTRALIA INC

(Incorporated under the *Associations Incorporation Act 2009*)

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4/06/2015

Hon. Jaala Pulford MLC
Minister for Agriculture (Victorian Government)
Minister responsible for the Domestic Animals Act 1994
jaala.pulford@parliament.vic.gov.au

Dear Minister,

RE: RESTRICTION ON SALE OF EXOTIC AVIAN SPECIES AT VICTORIAN BIRD SALES

I write as the President of the Finch Society of Australia Inc. and on behalf of our membership throughout Victoria and adjoining areas. Our society includes many hundreds of members nationally, including a number of branches and affiliated clubs. Our focus is finch aviculture however we are also involved in wider issues including endangered species conservation and the psychological and medical benefits of bird keeping.

We encourage legislators at all levels of government to promote responsible animal ownership rather than impose restrictions. It is an accepted fact that animal care provides enormous benefits for individuals' quality of life and therefore the well-being of larger communities.

We understand there is confusion surrounding the sale of non-indigenous (exotic to Australia) bird species at bird sales throughout Victoria. We submit the following facts followed by two (2) recommendations.

Facts

1. Bird sales in Victoria are approved by Government in advance under [Wildlife Regulations 2013 – Reg 39\(b\)](#). The Victorian Avicultural Council (VAC) manages approvals on behalf of individual clubs throughout Victoria. In relation to birds, the [Wildlife Act 1975](#) regulates activities primarily related to indigenous avian species.
2. The [Domestic Animals Act 1994](#) is primarily concerned with the welfare of dogs and cats. The words “Caged birds” appear once only, within the definition of a Pet Shop. The [Domestic Animals Act 1994 – Section 96](#) currently relates to “any animal referred to in the definition of pet shop”.
3. The [Domestic Animals Act 1994 – Section 96\(b\)](#) allows for sale of Caged birds when the “sale is approved under the Wildlife Act 1975.”
4. Under the [Domestic Animals Act 1994 – Section 5](#), the Governor in Council may exempt (with conditions) any class of animal from any provision of the Act.
5. Bird sales have been operating without incident in Victoria, and throughout Australia in excess of 30 years. Given the number and frequency of bird sale events this is an enviable historical record.

6. The health and welfare of birds at all avicultural events is paramount. Larger events, such as bird sales engage avian qualified veterinarians to confirm the health and well-being of all animals. At smaller events stewards are appointed welfare duties.
7. Compliance with government endorsed codes of practice governing cage specifications, feed, water, temperature and other areas are checked by stewards as birds enter and are under surveillance throughout the event.
8. Animal welfare is legislated under [The Prevention of Cruelty to Animals Act 1986](#). RSPCA inspectors are charged with compliance duties and are routinely invited and/or attend bird sales. We are unaware of any compliance issues, charges or concerns in relation to bird sales.

Advice to VAC from the Department of Environment, Land, Water & Planning (DELWP) officers was, to the effect, that sale of exotic avian species at bird sales was in contravention of Section 96 of the Domestic Animals Act 1994. With due respect, we make the following observation. We presume DELWP concludes that bird sale approval (1) does not extend to all "Caged birds" (2). Given (3) we contend this conclusion is in error as the legislation currently stands. In any case, the ruling is unreasonable given facts (5) through (8).

To resolve the situation in a timely manner we make the following recommendations.

Recommendations

1. Minister immediately recommends Governor in Council exempt all "Caged birds" from all provisions in the [Domestic Animals Act 1994 – Section 96](#). (4)
2. Minister immediately recommends Governor in Council retrospectively extends the above exemption to the day the [Domestic Animals Act 1994](#) was enacted.

We look forward to your timely response and would be pleased to discuss further.

Sincerely,



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