



THE FINCH SOCIETY OF AUSTRALIA INC

(Incorporated under the *Associations Incorporation Act 2009*)

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26/11/2015

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: YOUR RESPONSE MIN004092

Thank you for your belated response to our letter. Our initial correspondence regarding this matter is dated 4/6/15 – your response dated 22/9/15. After waiting in excess of 3 months one would assume the facts and recommendation within our submission would have been given due consideration with at least some attempt to address the substance of our submission. Unfortunately the response received is largely irrelevant to the facts and recommendations made in our initial submission. Furthermore, the received response includes a number of factually incorrect statements including misquoting the legislation as it stands.

Before expanding further I make the following self-evident common sense observation that appears to have been missed in all correspondence from government officers in relation to this issue. Do you think it sensible to allow licensed natives to be sold at a sale but not unlicensed birds? For instance, endangered Black-throated Finches (licensed) can be traded at approved bird sales, whilst domestic Canaries and Budgerigars cannot be sold. Clearly this is nonsensical and was never the intention of legislators. The aim of our correspondence is to resolve this nonsense in a timely manner.

Unfortunately your correspondence MIN004092 misquotes section 96 of the Domestic Animals Act 1994. Our initial submission included hyperlinks to the legislation. To assist, a direct quote of section 96 follows:

"DOMESTIC ANIMALS ACT 1994 - SECT 96

Offence to sell certain animals outside certain places

A person must not sell any animal referred to in the definition of pet shop or prescribed by the regulations for the purposes of that definition—

(a) unless the animal is sold in the course of conducting a domestic animal business in a premises that is registered under Part 4 for that purpose; or

(aa) unless the animal is sold in a place that is a private residence; or

(b) unless the sale is approved under the Wildlife Act 1975."

Can I suggest your departmental officers respond to the facts outlined in our initial submission (attached once more FYI). In addition, the following points are in specific response to paragraphs within your correspondence MIN004092:

1. Para 2. Please provide evidence of animal welfare issues regarding bird sales in Victoria (or elsewhere). We are in possession of evidence from RSPCA indicating they are unaware of any such welfare issues.
2. Para 2 "*most birds can only be sold from a private residence or a registered pet shop, with the exception of some native species*" can only be described as misleading. Section 96(b) states "*unless the sale is approved under the Wildlife Act 1975*". The sales in question are approved under the *Wildlife Act 1975*. This fact is undisputed.
3. Para 3. A dishonest recount of Section 96 which neglects 96(b) entirely. This paragraph has been reproduced in many responses in my possession and requires correction to all.
4. Para 4. In this case Section 96(b) is misquoted – in my view quite deceptively. The actual words in s96(b), namely "*unless the sale is approved under the Wildlife Act 1975*" has been altered to read "*unless the bird is exempt under the Wildlife Act 1975 amnesty*". One could have given some credence to an honest mistake with previous errors - perhaps s96(b) was missed entirely? Unfortunately this misquote is clearly a deliberate attempt to mislead. It is the sale and not the birds that require approval under the *Wildlife Act 1975*.
5. Para 5 correctly asserts that local government has responsibility for compliance. Please provide evidence of local council officer competence and qualifications in identifying various avian species. We have documentation from various local councils indicating their officers do not possess the required expertise in this area.
6. Para 6. Large bird sales have been in operation for in excess of 30 years. These are significant events for local avicultural clubs and local communities. We recommend that in future, further investigation is undertaken before decisions which affect significant events are implemented.
7. Para 7. Based on FOI requests in our possession, no written correspondence advising sale organisers of the issue exists. Based on evidence from clubs and local councils, we presume phone calls to be the sole means of communication – please confirm?

I requested a meeting with relevant officers some time ago (14/9/2015 via Katrina Kopczynski) and still await a response to this request.

Sincerely,



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