



Hon Jaala Pulford MP

Minister for Agriculture
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Dear Mr Davis

EXOTIC BIRDS AND PUBLIC SALES IN VICTORIA

Thank you for your email of 5 June 2015 regarding the sale of exotic species from bird sales. I apologise for the delay in responding.

In Victoria, most birds can only be sold from a private residence or a registered pet shop, with the exception of some native species. The legislation as it currently stands was introduced in 1994 in response to the broad and unregulated sales of many types of animals, including caged birds, from flea markets, car boot sales and other unsatisfactory situations. Animal welfare for these animals was in many cases unacceptable, with animals confined to small cages without appropriate food or water, while waiting to be sold.

Under the *Domestic Animals Act 1994* (the Act), caged birds can only be sold from a private residence or a registered pet shop. This has been the case for more than 20 years. According to the legislation, a 'pet shop' must be located in a permanent location, and open not less than five days a week (excluding public holidays).

Section 96 of the Act makes it an offence to sell a caged bird (or any other species listed in the Act or the *Domestic Animal Regulations 2005*) from a place other than a private residence or a pet shop, unless the bird is exempt under the *Wildlife Act 1975* amnesty. I am aware that this amnesty for specified species of native Australian birds has been established in conjunction with the Department of Environment, Land, Water and Planning (DELWP). However, exotics have never been included in the amnesty and therefore the sale of exotic species from bird sales has been a long-standing contravention of the Act.

The day-to-day responsibility for the enforcement of the Act, including associated regulations and mandatory codes of practice, rests with local government.

It was recently brought to the attention of biosecurity officers at the Department of Economic Development, Jobs, Transport and Resources that large bird sales were being held at various locations around Victoria.

Staff from the department have been in contact with organisers of bird sales to discuss their legislative requirements. Organisers of the sales have taken action to stop the illegal sale of exotic species at the sales by introducing an expressions of interest system instead.

While I have not been directly involved in this matter, I appreciate the cooperation that has been shown by organisers in making some changes to the way they run their sales in order to comply with the law.

I understand that for some aviculturists and exotic bird hobbyists the changes to the functioning of birds sales may have been unexpected. I must emphasise, however, that there has been no change to the law, or the way it is regulated. The sale of exotic species of birds outside of pet shops and private residences has been continuously banned in Victoria for more than 20 years.

Further information on the *Domestic Animals Act 1994* and its associated regulations and codes, is available at www.vic.gov.au/pets.

Thank you for taking the time to contact me about this matter.

Yours sincerely



Hon Jaala Pulford MP
Minister for Agriculture

22 SEP 2015