



“Animal Welfare by the experts – those who keep, care for and breed animals.”

www.animalcareaustralia.org.au

23rd March 2021

Victorian Ombudsmans Office

2/570 Bourke St, Melbourne VIC 3000

RE: Complaint against the Office of the Hon Richard Wynne MP, Minister for Planning (Victoria).

Dear Ombudsman,

We write on behalf of Animal Care Australia (ACA) a national animal welfare organization who currently represents over 200,000 members, and Dogs Victoria who is the peak body representing owners and breeders of purebred dogs in Victoria, and a gazetted “Applicable Organisation” by the Minister for Agriculture. Dogs Victoria has a history dating back to 1877 with approximately 9000 current members and more than 280 affiliated clubs. Dogs Victoria is a member of the Australian National Kennel Council who is an associate member of the Fédération Cynologique Internationale.. Both organisations have contacted Mr Wynne and his office seeking a meeting to discuss concerns relating to changes to the Victoria Planning Provisions, and specifically the changes to land use definitions. These changes are having catastrophic impacts statewide. Dogs Victoria’s four attempts at communication have been left unanswered, and Animal Care Australia’s correspondence received an unsatisfactory response in that it passed us off to the Agriculture Minister’s portfolio incorrectly. Both the ACA and Dogs Victoria had previously communicated with Animal Welfare Victoria on this issue who advised that this was not a matter for their portfolio, and it instead sat with the Minister for Planning. After receipt of the response from Mr Wynne, ACA again reconfirmed with Animal Welfare Victoria their position on the matter, with Animal Welfare Victoria repeating that this issue did in fact sit with Mr Wynne.

We also seek to complain about the conduct of the both the Minister and Department of Planning and their lack of transparency in consultation over changes to planning definitions which are now greatly impacting the breeders and owners of dogs in the state of Victoria.

The issues arise from the changes to the planning definitions and nesting diagrams made in September 2018 which now see “animal husbandry” defined as the breeding and keeping of animals. This is further impacting due to the low cap on numbers for the number of animals that can be owned. Firstly, there is no evidence or justification for these numbers on a welfare basis and secondly the consultation released on these proposed changes made no mention of domestic animals, only intensive breeding of farm animals such as pigs. We now have a situation where domestic animal breeders who own more than 2 animals are being made to apply for change of land use planning permits for their properties. This is also required where no infrastructure is required, which is then just a permit to keep animals and breed. In previous times breeders/owners were able to apply to their councils for excess animal permits, if required, and there was no need to spend \$3000+ now required to obtain a planning permit. There are select councils who have demanded that animal owners in their councils reduce their numbers immediately with some council rangers strongly suggesting such methods as euthanizing animals to ensure this happens quickly.

In December 2017, the government introduced revisions to the Domestic Animals Act which resulted in breeders who are registered with an Applicable Organisation such as Dogs Victoria able to keep 10 fertile females without a requirement to become a Domestic Animal Business. To suggest that a breeder can maintain a robust breeding program with genetic diversity and health at the forefront with 2 animals is astonishing and in fact is the primary contributing factor to current further welfare concerns of overbreeding of bitches from backyard breeders/underground puppy factories intensively breeding puppies to meet demand. This leaves registered breeders with no other option but to walk away from their hobby as most cannot afford the outlay of a permit and there is also no guarantee that a council will approve one.

Put simply, these changes have made way for large scale/intensive commercial breeders to set up their facilities and irresponsibly breed hundreds of puppies a year, while spelling the end to the responsible breeders registered with an Applicable Organisation who breed a couple of litters a year to ensure the viability and futures of their chosen breeds. Many of these breeds are already considered rare, with (for example) the Sussex Spaniel being more endangered than the Giant Panda. That demise will contribute to the decline of genetic stock worldwide and contribute to the demise of these breeds worldwide.

We also note that currently on the planning website there are charts which show further changes being made to the intensive breeding section of the Act but there is no mention of these amendments in the amendment timeline and there has been no consultation completed with the appropriate, affected stakeholders – that is domestic pet organisations such as ACA and Applicable Organisations including Dogs Victoria, Australian National Cats, Feline Control Council (Victoria), and the Governing Council of the Cat Fancy Australia and Victoria.

As committed by former Minister Walsh in 2014, one of the benefits of being declared an “Applicable Organisation” includes the organisation being considered a relevant stakeholder for government and departmental committees on animal management. Despite this, no consultation that identified an impact for domestic animals occurred with Dogs Victoria, or to our knowledge any of the Applicable Organisations, prior to the changes in 2018.

I have attached all the relevant documents, and we seek to meet with the relevant parties to discuss amendments to the current Victorian Planning Provisions, in the hope that puppies bred in the home can continue to be a reality, and Victorian residents are not forced to buy puppies raised in large commercial undertakings such as a regulated puppy farm, or by back yard breeders hoping to make a quick profit with no regard to health or temperament, and none of the consumer protections.

Animal Rights ideologies appear to have influenced these changes, and this evident with the rise of profiles of organisations such as Oscars Law, Animals Australia, and the Animal Justice Party.

Animal welfare should never be a numbers game it should always be about what is best for the animals and based on robust consultation with all stakeholders.

I look forward to your reply.

Kind regards,

Kylie Gilbert

Kylie Gilbert
Dog Representative Animal Care Australia, and
Secretary Dogs Victoria Legislation Sub-Committee