

Prohibited procedures - dogs

The Prevention of Cruelty to Animals Act 1986 (the Act) protects the welfare of all animals in Victoria.

On 12 December 2007 amendments were introduced into the Act that altered how a range of prohibited procedures under the Act and regulations were dealt with. All existing offences relating to specific procedures (on a range of animal species) were consolidated together under an offence to conduct a prohibited procedure.

Legislation summary

Prohibited procedures relating to dogs are:

- ear cropping
- debarking
- tail docking.

Prohibited procedures can only be performed in Victoria by a registered veterinary practitioner for therapeutic reasons or, in the case of debarking, in accordance with the code of practice for the debarking of dogs.

It is an offence for any other person to conduct a prohibited procedure on an animal.

At the same time as the prohibited procedures offence was introduced, two new offences relating to prohibited procedures were also introduced into the Act.

These related offences set out that:

- the owner or person in charge of an animal must not allow a prohibited procedure to be conducted on an animal; and
- the owner or person in charge of an animal cannot show or exhibit an animal, or allow an animal to be shown or exhibited, where the animal has had a prohibited procedure conducted illegally on it.



Provisions have been built into the offence for showing or exhibiting an animal to take into consideration animals from other Australian states and territories or imported animals that have had the procedure legally performed.

However, these provisions do not allow an animal born or residing in Victoria to be taken into another state or territory to have a procedure conducted on them to avoid Victoria's legislation and to still be shown or exhibited.

Further information and details of these provisions are detailed in the Frequently Asked Questions section.

Frequently Asked Questions

What is meant by Person in Charge?

“Person in charge of” in relation to an animal includes:

- a person who has the animal in their possession or custody, or under the person's care, control or supervision; and
- any employee or agent of the owner of the animal if a person referred to in the preceding point is bound to comply with the directions of that employee or agent in respect of the animal.



When can debarking be carried out?

Debarking of dogs can only be carried out in accordance with the Code of Practice for the Debarking of Dogs and the procedure must be conducted by a registered veterinary practitioner.

What are the main requirements of the Code of Practice for the Debarking of Dogs?

A dog may only be debarked if it is creating a public nuisance due to persistent barking that other reasonable methods have not been able to resolve. You must read the entire code of

practice and follow its requirements before the procedure is undertaken.

A summary of the main requirements of the code is provided below:

- An owner who intends to have a dog debarked because it is creating a public nuisance must first complete a Statutory Declaration to the effect that the dog is a public nuisance because of its persistent barking and that every reasonable effort has been made to discourage the dog from barking by considerate care, training and management. The owner is to further declare that the only alternative to debarking the dog is to have it destroyed.
- The owner must also obtain, from the Chief Executive Officer (or delegate) of the Council of the Municipal District in which the dog is registered, a written declaration which certifies that:
 - there have been written complaints from two or more neighbouring residences or, in isolated areas, two written complaints from the same residence, submitted to the Municipal offices; and
 - an authorised officer of the Municipality has investigated the complaints and has confirmed that reasonable efforts by the owner have failed to discourage the dog from persistently barking.
- The registered veterinary practitioner who is to perform the debarking operation is required to notify the Bureau of Animal Welfare within seven days of conducting the procedure.

When can tail docking or ear cropping be carried out on a dog?

Tail docking or ear cropping can only be carried out in Victoria by a registered veterinary practitioner for therapeutic reasons (for the health or welfare of the animal).



What is meant by docking?

Docking (in relation to the tail of a dog) means the amputation, removal or shortening of the tail, other than the shortening of the tail hairs.

My dog was docked/debarked/ear cropped prior to these amendments, can I still show it?

Yes, provided the procedure was done prior to 12 December 2007. You may be asked to provide evidence that the procedure was done before this date.

For any docked, debarked or ear cropped dog born after the commencement of these amendments or on which a prohibited procedure was done after this time, the owner or person in charge will need to demonstrate that the procedure was legally undertaken, in order for the dog to be shown or exhibited.



What about dogs brought in from interstate or overseas?

If a dog has not previously resided in Victoria and is already docked, debarked or ear cropped and then brought in from interstate or overseas, the dog is able to be shown provided the procedure was done in accordance with the legislation of the jurisdiction (country/state/territory) in which the procedure was carried out. The dog cannot have resided in Victoria prior to the procedure being done in another jurisdiction.

If the procedure was carried out on the dog in Australia, a veterinary certificate stating that the procedure was done in accordance with the law of the relevant jurisdiction will allow the animal to be shown.

In relation to imported dogs, the importation or supporting documentation needs to show that the procedure was undertaken prior to importation and that it was done legally according to the laws of the jurisdiction in which the procedure was carried out.

What about a dog taken out of Victoria into another state or territory to have a procedure that is prohibited in Victoria undertaken in that state/territory?

The exemption for showing or exhibiting of a dog where the procedure was done legally in another state or territory only applies for dogs that live outside of Victoria and are not, or have not previously, resided in Victoria.

This means you cannot take a dog out of Victoria to have a procedure done and then use that exemption to show or exhibit the dog.

Note: Many other states also regulate these procedures and by taking a dog interstate to avoid Victorian laws you may actually be committing an offence in those other states as well as be unable to show or exhibit the dog in Victoria.

Why has the offence to show or exhibit a dog which has had a prohibited procedure been introduced?

This offence has been introduced as part of wider legislation amendment relating to prohibited procedures, under the Prevention of Cruelty to Animals Act.

This amendment combines all current procedure-based offences, from both the Act and regulations, into one consistent offence for conducting a prohibited procedure.

Prior to this, a number of prohibited procedures were being carried out despite the individual offences, with some animals being shown or exhibited with the owner or person in charge benefiting from having the procedure illegally done on the animal.

This offence means that only those who comply with the laws of Victoria (or other jurisdictions) will be able to show or exhibit their animals.

What are the penalties associated with these offences?

Upon being found guilty, fines of up to 120 penalty units (approximately \$14,000*) or 12 months imprisonment apply if:

- a person (other than a vet) conducts a prohibited procedure on an animal
- if a vet conducts a prohibited procedure where it is not considered reasonably necessary for therapeutic purposes (or for debarking done in accordance with the relevant code) or
- if a person in charge of an animal allows a prohibited

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procedure (i.e. docking) to be done on the animal (ie by another person).

If a person intentionally damages a dog or a pup's tail or ears they are committing an offence under the Act and are liable for a fine of up to 240 penalty units (approximately \$28,000*) or 24 months imprisonment.



If a person in Victoria shows or exhibits a dog that was illegally tail docked, debarked or ear cropped, a penalty up to 20 penalty units (approximately \$2,340*) applies.

These fines apply to any prohibited procedure that is carried out.

*based on a penalty unit value for 09/10 of \$116.82. Note: the penalty unit value is indexed and changes annually

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