



Our ref: AA1000442
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25/07/2019

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Andrew Rankin
Partner
Piper Alderman

By email: arankin@piperalderman.com.au

Dear Mr Rankin

Authorisation AA1000442 submitted by Australian National Kennel Council Limited—interested party submissions

I refer to the Australian National Kennel Council Limited's (**ANKC**) application for authorisation lodged with the Australian Competition and Consumer Commission (the **ACCC**) on 28 May 2019.

As you are aware, on 7 June 2019 the ACCC wrote to interested parties seeking submissions in relation to the application.

The ACCC has received submissions from the following interested parties:

- four individuals
- Dogs NSW
- Dogs West
- Dogs Tasmania
- Master Dog Breeders & Associates
- National Dachshund Council
- National Old English Sheepdog Council
- Australian Federation For Livestock Working Dogs
- Jerilderie Apex Club acting as the Jerilderie Working Dog Auction
- Casterton Kelpie Association.

All publicly available submissions are posted on the ACCC internet site at www.accc.gov.au/AuthorisationsRegister.

To help us further assess the application, we seek from ANKC the information set out at **Attachment A** to this letter. We request that you provide this information, in addition to any other comments you wish to make regarding the submissions, by **8 August 2019**.

I note that some of the information requested at Attachment A may be confidential to ANKC. Under section 89 of the Competition and Consumer Act 2010, the ACCC may exclude

documents or information from its public register by reason of the confidential nature of any of the matters contained in the document. If ANKC wishes to request exclusion from the register for any document or information provided in response to the ACCC's request, we ask that you clearly indicate this and provide brief reasons for the request when providing the documents.

Subject to our consideration of any request for exclusion, a public version of the response with confidential information redacted will be placed on the ACCC's public register. A copy of this letter will also be placed on the public register.

If you wish to discuss any aspect of this matter, please do not hesitate to contact Eado Varon on (03) 9910 9415.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'DChanning', with a stylized flourish at the end.

Darrell Channing
Director
Adjudication

Attachment A – ACCC Information Request

Effect of the Proposed Amendment

1. Please provide a response to the submissions made by two interested parties (see [here](#) and [here](#)) that there are ANKC state and territory peak bodies (**Member Bodies**) whose regulations and/or codes currently have provisions which prohibit their members from registering a dog with a registration body not recognised by the ANKC (**Unrecognised Body**).
2. Section 4.2 of ANKC's submission dated 28 May 2019 (**ANKC's submission**) states:

As far as ANKC is aware, [unrecognised] registries do not:... require compliance with a set of breeding requirements which is of comparable stringency to the ANKC's Code of Ethics and regulations... Without limitation, the unrecognised registries do not generally restrict the frequency of breeding and ages for breeding female dogs.

We understand that members who are dual registered with a Member Body and an Unrecognised Body will be required to comply with the requirements of both bodies. If the Member Body and Unrecognised Body impose different or inconsistent requirements in relation to the same dog, a member would have to comply with the more 'stringent' or conservative requirements, which generally appear to be ANKC's requirements (at least in relation to breeding requirements). Please confirm whether this is likely to be the case and what impact this may have on members who are dual registered.

3. Please describe the major requirements of the codes, regulations or rules (whether relating to breeding or otherwise) that would apply to an existing member of a Member Body who owns or breeds a dog which was previously not registered with that Member Body.

Inclusion of ownership in the Proposed Amendment

4. The Proposed Amendment to ANKC's National Code of Ethics of Responsible Dog Ownership (**ANKC Code**) requires that 'a member must register dogs bred or owned by them with a registration body recognised by ANKC Ltd'.
 - a. In contrast to the Proposed Amendment, we note that the existing clause 23 of the ANKC Code states that 'a member shall register all puppies bred by that member...'. Please provide further explanation of this requirement regarding dogs that are 'owned'.
 - b. How does the Proposed Amendment apply to members who breed or own dogs that are not eligible for registration on the ANKC Main Register or Limited/Associate Register? Will members be able to continue to breed and own such dogs?

Council requirements relating to Member Bodies

5. Two interested parties (see [here](#) and [here](#)) have raised concerns that there are some local councils which require that constituents who wish to breed dogs or own an entire dog are members of the relevant Member Body.

Please comment on whether such local council requirements exist and, if so, provide brief details and the names of relevant councils.

Recognition of a registration body by ANKC

6. Section 6.2 of ANKC's submission states that:

ANKC is prepared to recognise other organisations within Australia to provide Registration services if the practices of those organisations materially meets the Code of Ethics and other regulations, codes and rules of ANKC.

[An interested party](#) states that the ANKC should provide clear, objective criteria that outline the process to be followed to apply for recognition of an organisation by the ANKC, and should articulate the code of ethics, regulations, codes and rules that must be met for recognition. They note that otherwise, the recognition process is open to inconsistency and subjectivity and could provide the ANKC some optionality to refuse recognition without providing reasons or an opportunity to meet the criteria. Please provide a response to this issue.

Fees charged by Member Bodies

7. [An interested party](#) has stated that their Member Body is currently the most expensive body to be registered with (in terms of annual membership and breeder prefix fees) and that their litter registration is also prohibitively expensive. For example, they noted that the cost of registering a puppy with Dogs Queensland is around 10 times that of Master Dog Breeders & Associates.
- Please provide a response to this issue.
 - Please describe how fees are determined by Member Bodies, including any involvement ANKC has in this process.

Affiliates and kindred bodies

8. Please clarify:
- Whether the ANKC Code, as implemented by Member Bodies, applies to bodies that are 'recognised' by, 'kindred bodies' of, or 'affiliates' of, the ANKC or Member Bodies (for example, those listed in ANKC's [Listing of Recognised Working Dog Associations or Kindred Bodies as referenced in Chapter 8 of the Rules and Regulations for Herding Trials](#)).
 - If the ANKC Code does not apply to such bodies listed in question 8(a), how would members of such bodies, who are not also registered with Member Bodies, be affected by the Proposed Amendment?

ANKC registration numbers

9. In sections 6.1 and 7.1 of its submission ANKC estimates that 'in 2016 only 15% of all puppies were bred by breeders registered as members of ANKC Member Bodies'.
- ANKC's report '[A Forensic View of Puppy Breeding in Australia](#)' estimates that 480,000 puppies were bred in Australia in 2016. Please provide an estimate of the percentage of puppies bred in Australia in 2016 (or more recently) that were purebred or pedigreed?
 - ANKC's [National Registration Statistics](#) (which 'A Forensic View of Puppy Breeding in Australia' utilises) lists a figure of 69,336 for 2018.

- i. We understand this figure to represent the number of dogs newly registered by members of Member Bodies in 2018. Is this correct?
- ii. Please provide an estimate of the total number of dogs registered (new and existing) with Member Bodies in 2018?