

Our Ref: AWR.408785
Your Ref: AA1000442



20 September 2019

**By Email: darrell.channing@accc.gov.au; connie.wu@accc.gov.au;
miriam.kolacz@accc.gov.au**

Australian Competition and Consumer Commission
23 Marcus Clarke Street
Canberra
ACT 2601

Attention: Darrell Channing

Dear Mr Channing

**Authorisation AA1000442 submitted by Australian National Kennel
Council Limited (ANKC) - Request for information**

We refer to Connie Wu's emails dated 16 and 18 September 2019 (**your emails**) requesting further information. ANKC has instructed us to provide the following responses

ACCC Information Requested

1. Breakdown of registers

ACCC has requested that ANKC provide a breakdown of the type of registers on which dogs are registered with ANKC Member Bodies for 2018 and all periods.

ANKC has provided the following breakdown:

Register	2018	All Periods
Main Register	35,126	560,039
Limited Register	33,872	517,478
Associate Register	338	1,026
Total	<u>69,336</u>	<u>1,078,543</u>

2. Likely future with and without the proposed conduct

ANKC provides the following response as to the likely future with and without the Proposed Amendment:

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State of competition in the Australian market for registration services

ANKC considers that there is likely to be minimal impact to the state of competition in the Australian market for registration services with or without the Proposed Amendment.

ANKC considers that other registries will unlikely suffer any loss of sales, given the demand for cross bred designer dogs far outweighs the demand for ANKC purebred pedigree dogs. In particular, as previously stated, ANKC estimates that only 15% of puppies bred in Australia in 2016 were bred by breeders registered as members of ANKC Member Bodies. The breeders of the remaining 85% will continue to use the registrations services of other associations or organisations, or simply choose to continue to not seek any registration services.

As stated in the submissions of a number of working dog associations, their members adhere to and have separate codes of conduct which are more suited to the working dogs which they own and breed. Such members would likely continue to use the registration services of those associations with or without the Proposed Amendment.

Other breeders and dog owners seek registrations services with organisations which best meet their needs and requirements. For example, Master Dog Breeders & Associates provide for far less prescriptive requirements in their Code of Conduct for their breeders. The requirements are merely focused on the general well-being of dogs but do not provide for the same stringent breeding requirements under ANKC's Code of Conduct.

In addition, irrespective of whether the Proposed Amendment is introduced, those wishing to register their dogs with ANKC recognised bodies (such as to participate in conformation and/or agility shows) will continue to do so and will need to comply with the requirements for registration under the ANKC's Code of Ethics. For clarity, registration with an ANKC recognised body is not a prerequisite for owning, breeding or selling dogs. Breeders and dog owners are free to choose which association they wish to register with (if any association at all) .

ANKC understands that few members or potential members choose or require memberships with multiple associations or organisations given the different associations or organisations cater for different types of dog owner or breeders. With the Proposed Amendment, the limited number of members that ANKC is aware of who are splitting their breeding activities between multiple registries would have the option of complying with the registrations requirements under ANKC's Code of Ethics, register purely with another association or not register their dogs at all.

Public benefits and detriments

Without the Proposed Amendment, breeders who continue to split their breeding activities across multiple registries will be able to continue to bypass ANKC's Code of Ethics as well as continue to mislead the public as to whether dogs bred by those breeders are in fact registered with ANKC recognised bodies or not. Without the Proposed Amendment, ANKC would continue to have limited oversight over the breeding of ANKC registered dogs whose owners choose to use the registration services of other associations or registrations bodies to circumvent ANKC's strict Code of Ethics.

With the Proposed Amendment, ANKC would be able to more directly and effectively protect the integrity of its canine ancestry database through disciplinary action against members who breach ANKC's Code of Ethics. With the Proposed Amendment, the public would be able to be

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confident that all dogs bred by members of ANKC Member Bodies are compliant with ANKC's Code of Ethics without any cause for concern that those dogs are registered with another association or organisation. There would also be a public benefit in the protection of dogs from being overbred with the Proposed Amendment. In particular, the Proposed Amendment would have the public benefit of ensuring the public is protected against purchasing puppies from dog breeders who have no regard for the health or wellbeing of their breeding dogs.

Please let us know if you have queries.

Yours faithfully
Piper Alderman

Per: 

Andrew Rankin
Partner