

13 September 2019

**By Email: darrell.channing@accc.gov.au; connie.wu@accc.gov.au;
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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 your letter dated 30 August 2019 (**your letter**) requesting further information set out in Attachment A to your letter. ANKC has instructed us to provide the following responses

ACCC Information Requested

For simplicity, we have adopted the ACCC's numbering in Attachment A in relation to the further information requested:

1. Proposed Amendment to ANKC's Code of Ethics
 - (a) ANKC has advised that the Proposed Amendment is intended to apply to all members of ANKC Member Bodies. The terms "handler", "associate" and "companion" simply refer to different classes of memberships.
 - (b) ANKC has advised that working dogs that are not eligible for registration on the Main or Limited registers are still able (and will be required by the Proposed Amendment) to be registered on the Associate Register, subject to meeting requirements for registration under the ANKC Regulations Part 6. In respect of the Associate Register, registration is subject to the dog being permanently identified (such as through a microchip) and provision of a sterilisation certificate. Registration would permit those dogs to compete in obedience and agility trials and competitions. ANKC acknowledges that members may, in certain circumstances, be precluded from dual registration with other registration bodies not recognised by ANKC, but they would not be prevented from registering with sporting bodies which have a membership list as opposed to a registry.

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2. ANKC has instructed that it is unable to provide this information given other registration bodies such as Master Dog Breeders & Associates do not publish information or provide statistics for their breeders.
3. The bolded statement refers to persons (who are not members of an ANKC Member Body) who legally own dogs that are not registered with an ANKC Member Body. Those persons would remain free to seek registration services from either ANKC recognised bodies (being entities recognised by the ANKC as having similar objectives in breeding and exhibiting of dogs and who espouse a similar Code of Ethics and Behaviour) or other unrecognised registration organisations. The Proposed Amendment will have no impact on those dog owners. However, dog owners (who are already members of ANKC Member Bodies) will need to register their dogs with ANKC recognised bodies. It is noted that dog owners (who are members of ANKC Member Bodies) may sidestep compliance with the Proposed Amendment by foregoing their individual memberships with ANKC Member Bodies.
4. ANKC has instructed that it is unable to provide an estimate of market share in relation to the "Australian market for registration services" given other registration bodies such as Master Dog Breeders & Associates do not publish information or provide statistics for their breeders or the number of registered dogs. However, ANKC notes that there is no requirement for dog breeders to use the registration services of ANKC Member Bodies (or other recognised or unrecognised registration bodies) in order to breed, own or sell dogs. ANKC acknowledges that most commercial breeders and other private breeders do not use registration services at all.

Additional Comments

ANKC wishes to provide further comments in relation to the objectives of the Proposed Amendment. The Proposed Amendment seeks to protect both the public and the welfare of animals, in particular, protecting the public from being misled as to the status of dogs and protecting dogs from being overbred to the detriment of their health and in extreme cases, death.

The Proposed Amendment will have the effect of preventing unscrupulous breeders from bypassing ANKC's Code of Ethics by splitting their breeding activities between multiple registries. Without the Proposed Amendment, such breeders will continue to mislead the public as to the legitimacy of those breeders as registered members of ANKC.

ANKC vigorously protects the integrity of its canine ancestry database through disciplinary action against members who breach ANKC's Code of Ethics. These disciplinary actions can be instigated by other members and non-members of the public. ANKC is able to provide instances where breaches of its database have led to significant penalties for the breaching member. Importantly, the scrutiny of members by ANKC involves a transparent relationship with government, particularly at a state and local level, which is not in place with other registries in Australia.

To: Australian Competition and Consumer Commission
Date: 13 September 2019
Our Ref: AWR.408785
Page: 3



Please let us know if you have queries.

Yours faithfully
Piper Alderman

Per: 
Andrew Rankin
Partner