

Our Ref: AWR.408785
Your Ref:



28 May 2019

By Email: adjudication@accc.gov.au; gavin.jones@accc.gov.au;
miriam.kolacz@accc.gov.au

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

Attention: Gavin Jones and Miriam Kolacz

Dear Sir/Madam

Lodgement of application for authorisation for proposed conduct

We refer to our pre-lodgement consultation with Gavin Jones and Miriam Kolacz on 20 December 2018 (**Pre-lodgement Consultation**) and our earlier correspondence to the Australian Competition and Consumer Commission (**ACCC**) dated 17 December 2018.

As you may recall, we act for the Australian National Kennel Council Limited (ACN 151 544 679) (**ANKC**). Following the Pre-lodgement Consultation, ANKC has instructed that we formally lodge an Application for Authorisation (non-merger) with the ACCC.

Please now find **enclosed** the following documents submitted as part of the application:

1. a public version of the signed Application for Authorisation (non-merger);
2. a confidential version of the signed Application for Authorisation (non-merger); and
3. non-confidential submissions in support of the Application for Authorisation (non-merger).

We note again that certain information contained within the confidential version of the Application for Authorisation (non-merger) is commercially sensitive and confidential to ANKC because it concerns ANKC's business, commercial or financial affairs. Disclosure would cause significant damage and harm to ANKC. Accordingly, we respectfully request that such information be maintained as confidential and that only the public version is published on the public register.

Payment of the lodgement fees was made by credit card via the ACCC's online payment portal on 28 May 2019. Please also find **enclosed** a copy of the payment receipt.

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Finally, we note that during the Pre-lodgement Consultation, the ACCC made enquiries as to whether our client could direct the ACCC to any other breed-specification organisations or associations, which do not offer registration services, other than those organisations and associations already specified in the draft Application for Authorisation (non-merger). Our client instructed that it is not aware of any additional breed-specification organisations or associations to which it could direct the ACCC.

If the ACCC requires any further information or have any queries, please do not hesitate to contact the writer by phone on (07) 3220 7741 or by email at arankin@piperalderman.com.au.

Yours faithfully
Piper Alderman

Per:

A handwritten signature in dark ink, appearing to read 'Ar Rankin'.

Andrew Rankin
Partner

Enc.

Application for authorisation

Date 28 May, 2019

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Information

Parties to the proposed conduct

1. Provide details of the applicants for authorisation, including:

1.1 name, address (registered office), telephone number and ACN

Name and ACN	Australian National Kennel Council Limited (ACN: 151 544 679)
Address (registered office)	60 Stephen Street CAMP HILL QLD 4152 AUSTRALIA
Telephone number	(07) 3398 8608

1.2 contact person's name, position, telephone number and email address

Contact 1:	Tracey Barry Administrator Australian National Kennel Council Limited Telephone number: (07) 3398 8608 Email address: tbarry@ankc.org.au
Contact 2:	Andrew Rankin Partner Piper Alderman Telephone number: (07) 3220 7741 Email address: arankin@piperalderman.com.au

1.3 a description of business activities

The Australian National Kennel Council Limited (**ANKC**) is the peak body in Australia responsible for promoting breeding, showing, trialling, obedience and other canine-related activities and the ownership of purebred dogs in Australia. ANKC functions as a co-ordinating body between the peak canine bodies in each state and territory, who in turn has the responsibility of interacting with the public in their state or territory on canine-related activities and the ownership of purebred dogs. These peak canine bodies in each state and territory are members (**ANKC Member Bodies**) of ANKC.

One of the functions of the ANKC is to set and manage regulations to be complied with by ANKC Member Bodies. Amongst other objectives, these regulations are implemented with the primary goal of ensuring the health and welfare of dogs in Australia. One such regulation is the National Code of Ethics of Responsible Dog Ownership. The ANKC Member Bodies are required to give effect to that regulation made by ANKC (and other regulations where applicable) within its jurisdiction in order to regulate the conduct of individuals who are members of those ANKC Member Bodies in their respective jurisdictions.

1.4 email address for service of documents in Australia

Email address	arankin@piperalderman.com.au
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- 2. If applicable, provide details of the other persons and/or classes of persons who also propose to engage, or become engaged, in the proposed conduct and on whose behalf authorisation is sought. Where relevant provide:**

2.1 name, address (registered office), telephone number and ACN

2.2 contact person's name, telephone number and email address

2.3 a description of business activities.

Please refer to Schedule 2.

The proposed conduct

- 3. Provide details of the proposed conduct, including:**

3.1 a description of the proposed conduct and any documents that detail the terms of the proposed conduct

3.2 the relevant provisions of the Competition and Consumer Act 2010 (Cth) (the Act) to which the proposed conduct would or might apply

3.3 the rationale for the proposed conduct

Please refer to sections 4 and 5 in the Submissions set out in Schedule 1.

3.4 the term of authorisation sought and reasons for seeking this period.

ANKC seeks authorisation for five (5) years.

- 4. Provide documents submitted to the applicant's board or prepared by or for the applicant's senior management for purposes of assessing or making a decision in relation to the proposed conduct and any minutes or record of the decision made.**

Please refer to item 6.15 on page 8 of the June 2017 Board minutes and item 7.5.6 on page 21 of the October 2017 Board minutes as set out in Schedule 3.

- 5. Provide the names of persons, or classes of persons, who may be directly impacted by the proposed conduct (e.g. targets of a proposed collective bargaining arrangement; suppliers or acquirers of the relevant products or services) and detail how or why they might be impacted.**

Please refer to section 6.3 in the Submissions set out in Schedule 1.

Market information and concentration

- 6. Describe the products and/or services, and the geographic areas, supplied by the applicants and identify all products and services in which two or more parties to the**

proposed conduct overlap (compete with each other) or have a vertical relationship (eg supplier-customer).

Please refer to section 6 in the Submissions set out in Schedule 1.

- 7. Describe the relevant industry or industries. Where relevant, describe the sales process, the supply chains of any products or services involved, and the manufacturing process.**

Please refer to section 6 in the Submissions set out in Schedule 1.

- 8. In respect of the overlapping products and/or services identified, provide estimated market shares for each of the parties where readily available.**

Please refer to section 6 in the Submissions set out in Schedule 1.

- 9. Describe the competitive constraints on the parties to the proposed conduct, including any likely change to those constraints should authorisation be granted. You should address:**

9.1 existing or potential competitors

9.2 the likelihood of entry by new competitors

9.3 any countervailing power of customers and/or suppliers

9.4 any other relevant factors.

Please refer to section 6 in the Submissions set out in Schedule 1.

Public benefit

- 10. Describe the benefits to the public that are likely to result from the proposed conduct. Provide information, data, documents or other evidence relevant to the ACCC's assessment of the public benefits.**

Please refer to section 7 in the Submissions set out in Schedule 1.

Public detriment (including likely competitive effects)

- 11. Describe any detriments to the public likely to result from the proposed conduct, including those likely to result from any lessening of competition. Provide information, data, documents, or other evidence relevant to the ACCC's assessment of the detriments.**

Please refer to section 7 in the Submissions set out in Schedule 1.

Contact details of relevant market participants

- 12. Identify and/or provide contact details (phone number and email address) for likely interested parties such as actual or potential competitors, key customers and suppliers, trade or industry associations and regulators.**

Contact details of likely interested parties are set out in Schedule 4.

Additional information

13. Provide any other information or documents you consider relevant to the ACCC's assessment of the application

Please refer to the Submissions set out in Schedule 1.

The undersigned declare that, to the best of their knowledge and belief, the information given in response to questions in this form is true, correct and complete, that complete copies of documents required by this form have been supplied, that all estimates are identified as such and are their best estimates of the underlying facts, and that all the opinions expressed are sincere.

The undersigned undertake(s) to advise the ACCC immediately of any material change in circumstances relating to the application.

The undersigned are aware of the provisions of sections 137.1 and 149.1 of the Criminal Code (Cth).



.....
Signature of authorised person

President & Chairman of the ANKC Board of Directors

.....
Office held

Mr Anthony (Hugh) Gent OAM

.....
(Print) Name of authorised person

This 28th day of May, 2019


Schedule 1 – Submissions

See attached.

Schedule 2 – List of ANKC Member Bodies

Name and ACN (inserted if any)	Address (registered office) and Telephone number	Contact details	Description of ANKC Member Bodies' business activities
Australian Capital Territory Canine Association Inc (trading as Dogs ACT)	Cnr Stirling Ave & Federal Highway, Mitchell ACT 2911 Telephone number: (02) 6241 4404		Dogs ACT is the peak governing canine body for the ACT. Its primary objective is to promote canine-related activities and responsible dog ownership within the territory. Amongst other activities, Dogs ACT is responsible for registration of dogs, overseeing organisation of shows, trials and other events and governance over approval and training of judges and stewards.
The Royal New South Wales Canine Council Ltd (trading as Dogs NSW) ACN: 062 986 118	The Bill Spilstead Complex for Canine Affairs 44 Luddenham Road, Orchard Hills NSW 2748 Telephone number: (02) 9834 3022		Dogs NSW is the peak governing canine body for NSW. Its primary objective is to promote canine-related activities and responsible dog ownership within the state. Amongst other activities, Dogs NSW is responsible for registration of dogs, overseeing organisation of shows, trials and other events and governance over approval and training of judges and stewards.
The North Australian Canine Association Inc (trading as Dogs NT)	Shean Road, Winnellie NT 0820 Telephone number: (08) 8984 3570		Dogs NT is the peak governing canine body for the NT. Its primary objective is to promote canine-related activities and responsible dog ownership within the territory. Amongst other activities, Dogs NT is responsible for registration of dogs, overseeing organisation of shows, trials and other events and governance over approval and training of judges and stewards.
Canine Control Council (Queensland) Ltd (trading as Dogs Queensland)	247 King Avenue DURACK QLD 4077 Telephone number:		Dogs Queensland is the peak governing canine body for Queensland. Its primary objective is to promote canine-

Name and ACN (inserted if any)	Address (registered office) and Telephone number	Contact details	Description of ANKC Member Bodies' business activities
ACN: 160 285 192	(07) 3252 2661		related activities and responsible dog ownership within the state. Amongst other activities, Dogs Queensland is responsible for registration of dogs, overseeing organisation of shows, trials and other events and governance over approval and training of judges and stewards.
The South Australian Canine Association Inc (trading as Dogs SA)	David Roche Park Cromwell Road KILBURN SA 5084 Telephone number: (08) 8349 4797		Dogs SA is the peak governing canine body for SA. Its primary objective is to promote canine-related activities and responsible dog ownership within the state. Amongst other activities, Dogs SA is responsible for registration of dogs, overseeing organisation of shows, trials and other events and governance over approval and training of judges and stewards.
The Tasmanian Canine Association Inc (trading as Dogs Tasmania)	Administration Building Royal Showgrounds Glenorchy TAS 7010 Telephone number: (03) 6272 9443		Dogs Tasmania is the peak governing canine body for Tasmania. Its primary objective is to promote canine-related activities and responsible dog ownership within the state. Amongst other activities, Dogs Tasmania is responsible for registration of dogs, overseeing organisation of shows, trials and other events and governance over approval and training of judges and stewards.
The Victorian Canine Association Inc (trading as Dogs Victoria)	655 Westernport Hwy Skye VIC 3977 Telephone number: (03) 9788 2500		Dogs Victoria is the peak governing canine body for Victoria. Its primary objective is to promote canine-related activities and responsible dog ownership within the state. Amongst other activities, Dogs Victoria is responsible for registration of dogs, overseeing organisation of shows, trials and

Name and ACN (inserted if any)	Address (registered office) and Telephone number	Contact details	Description of ANKC Member Bodies' business activities
			other events and governance over approval and training of judges and stewards.
The Canine Association of Western Australia Inc (trading as Dogs West)	602 Warton Road, Southern River WA 6110 Telephone number: (08) 9455 1188		Dogs West is the peak governing canine body for WA. Its primary objective is to promote canine-related activities and responsible dog ownership within the state. Amongst other activities, Dogs West is responsible for registration of dogs, overseeing organisation of shows, trials and other events and governance over approval and training of judges and stewards.

Schedule 3 – Board minutes

The Board minutes are omitted from this public version on the basis that the information contained within the Board minutes is commercially sensitive and confidential to ANKC as it concerns ANKC's business, commercial or financial affairs. Disclosure would cause significant damage and harm to ANKC. Accordingly ANKC respectfully request that such information be maintained as confidential and excluded from the authorisation register in accordance with section 89(5) of the CCA.

Schedule 4 – Contact details of likely interested parties

Name	Email address	Phone number
Master Dog Breeders & Associates		
Australian Canine Registry		
International Canine Breeders Studbook P/L		
Australian Labradoodle Association Inc		
Mini Foxie Club of Australia Inc		
Australian Association of Pet Dog Breeders		

Submissions in support of application for authorisation

Date 28 May, 2019



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1. Executive Summary

The Australian National Kennel Council Limited (**ANKC**) is the peak body in Australia responsible for canine-related activities and the ownership of purebred dogs in Australia. ANKC functions as a co-ordinating body between the peak canine bodies in each state and territory. These peak canine bodies in each state and territory are members of ANKC (**ANKC Member Bodies**).

ANKC mandates a standard of conduct relating to dog ownership under its National Code of Ethics of Responsible Dog Ownership (**Code of Ethics**). It is required to be implemented by each ANKC Member Body in their respective states and territories. Only breeders and dog owners that are registered as members of ANKC Member Bodies (**ANKC Registered Breeders and Owners**) are, in turn, required to comply with the Code of Ethics.

Authorisation is sought in respect of a proposed arrangement to insert a new provision in the Code of Ethics to require ANKC Registered Breeders and Owners to register puppies with canine registration bodies which are recognised by the ANKC (**Proposed Amendment**). The recognised canine registration bodies consist of the ANKC Member Bodies and other overseas canine organisations specified in paragraph 6.2 of these submissions.

The rationale for the Proposed Amendment is to improve the health and welfare of dogs and to minimise conduct that may mislead, deceive or, at the very least, confuse the public that dogs marketed as “registered” are not in fact registered with an ANKC Member Body or a body recognised by ANKC.

ANKC submits that, the Proposed Amendment has, or is likely to have, minimal detriment to the Australian market for Registration services. ANKC further submits that the Proposed Amendment would result, or be likely to result, in a benefit to the public that outweighs any detriments that will or likely to result. In particular, as further detailed in Section 7.1, ANKC estimates that in 2016 only 15% of all puppies were bred by breeders registered as members of ANKC Member Bodies.

2. Introduction

2.1 Application for authorisation

The Australian National Kennel Council Limited (**ANKC**) makes this submission in support of its application for authorisation pursuant to section 88(1) of the *Competition and Consumer Act 2010* (Cth) (**CCA**).

Authorisation is sought in respect of a proposed arrangement (as further described in section 4 below) which might be regarded as contravening sections 45AD, 45 and 47 of the CCA. Although, in ANKC’s view, the proposed arrangement does not contravene the provisions of the CCA, it wishes to seek certainty and protection afforded by an authorisation prior to undertaking the proposed arrangement.

ANKC submits that, in all the circumstances, the proposed arrangement:

- (a) would not have the effect, or would not be likely to have the effect, of substantially lessening competition; and

- (b) would result, or be likely to result, in a benefit to the public and that benefit would outweigh the detriment to the public that would result, or be likely to result, from the proposed arrangement.

3. Background

3.1 Background to the Australian National Kennel Council Limited

ANKC is the peak body in Australia responsible for promoting breeding, showing, trialling, obedience, and other canine-related activities and the ownership of purebred dogs in Australia. ANKC functions as a co-ordinating body between the peak canine bodies in each state and territory, who in turn have the responsibility of interacting with the public in their respective state or territory. ANKC also has responsibility of maintaining a register of recognised purebred dogs.

ANKC, in its current form as a company limited by guarantee, was formed on 1 July 2011 with the peak canine bodies in each state and territory acting as members of ANKC (**ANKC Member Bodies**). However, ANKC's predecessor has had a much longer history in Australia. The first meeting to consider forming an Australian National Kennel Council was held on 14 April 1949. The Australian National Kennel Council operated as an unincorporated association until the formation of a company limited by guarantee in 2011.

3.2 Regulations of ANKC

As part of ANKC's responsibilities, one of its functions is to make and manage regulations which must be complied with and implemented by ANKC Member Bodies under ANKC's constitution. Amongst other objectives, these regulations are implemented with the primary goal of ensuring the health and welfare of dogs in Australia. The ANKC Member Bodies are required to give effect to regulations made by ANKC within its jurisdiction in order to regulate the conduct of ANKC Registered Breeders and Owners in their respective jurisdictions.

3.3 Background to the ANKC Member Bodies

ANKC Member Bodies have the responsibility of dealing with dog exhibitors, breeders and judges within their respective state and territory. Below is the list of ANKC Member Bodies:

- (a) Australian Capital Territory Canine Association Inc (trading as Dogs ACT);
- (b) The Royal New South Wales Canine Council Ltd (trading as Dogs NSW);
- (c) The North Australian Canine Association Inc (trading as Dogs NT);
- (d) Canine Control Council (Queensland) Ltd (trading as Dogs Queensland);
- (e) The South Australian Canine Association Inc (trading as Dogs SA);
- (f) The Tasmanian Canine Association Inc (trading as Dogs Tasmania);
- (g) The Victorian Canine Association Inc (trading as Dogs Victoria); and
- (h) The Canine Association of Western Australia Inc (trading as Dogs West).

One of the services offered by ANKC Member Bodies is the registration of dogs (**Registration**). The primary purpose of Registration is to certify whether a dog is of known, recognised and registered parentage of the same breed. The Registration service offered by ANKC Member Bodies is not a legal requirement and differs from registration requirements of local councils.

Specifically, there are two types of Registrations offered by ANKC Member Bodies:

- (a) Registration on the Main Register – this type of Registration confers full rights for a dog to have their progeny registered as purebreds and to participate in conformation shows for titles;
- (b) Registration on the Limited/Associate Register – this type of Registration confirms that a dog is pedigreed, but cannot be shown at conformation shows for titles and cannot have their progeny registered as purebreds. This type of Registration is open to dogs that are sterilised (which must be evidenced by a sterilisation certificate) and permanently identified (such as with a microchip). The Associate Register will record the following information in respect of each dog on the Register: name, sex (indicated as either neutered or sprayed), microchip number, date of birth (if known) and colour. The breed or cross breed may be recorded in the notes field of the Associate Register for further reference. Dogs registered on the Associate Register are still eligible to compete in obedience, agility and other types of dog trials or sports.

There are a number of benefits to Registration with ANKC Member Bodies (or another registration organisation recognised by ANKC):

- 1. Registration with the ANKC Member Bodies (or recognised registration body) provides certainty of family lineage as supported by pedigree records dating back over a century and whether a dog conforms to physical characteristic and traits typical of their breed as recognised by the ANKC;
- 2. Registered dogs are eligible to participate in the Canine Hip and Elbow Dysplasia Scheme (CHEDS) and Australian Canine Eye Scheme (ACES) which offers qualified certification in respect of a range of congenital and inherited conditions; and
- 3. Registration permits a dog to enter into national and international dog shows and events organised by or affiliated with ANKC Member Bodies.

3.4 National Code of Ethics of Responsible Dog Ownership

The National Code of Ethics of Responsible Dog Ownership (**Code of Ethics**) is a regulation of ANKC that mandates a standard of conduct relating to dog ownership. It is required to be implemented by each ANKC Member Body in their respective states and territories. ANKC Registered Breeders and Owners are, in turn, required to comply with the Code of Ethics as implemented by their ANKC Member Body. A copy of the current version of the Code of Ethics is annexed to this Submission as Annexure A.

4. Proposed amendment to the National Code of Ethics of Responsible Dog Ownership

4.1 Proposed amendment

One of the requirements under the Code of Ethics is that breeders registered as members of ANKC Member Bodies must register all puppies bred by them. The provision specifies the following:

23. A member shall register all puppies bred by that member that are living at the date of registration. Such registration must include all puppies from the litter on the one litter registration application form and must be applied for within eighteen [18] months of the date of whelping or prior to sale or rehoming.

ANKC proposes to insert a new provision to supplement that provision which mandates ANKC Registered Breeders and Owners to register puppies with canine registration bodies which are recognised by the ANKC (**Proposed Amendment**). Recognised canine registration bodies will consist of the ANKC Member Bodies and other overseas canine organisations as specified in paragraph 6.2 of these submissions. Specifically, the provision is intended to be inserted is as follows:

A member must register dogs bred or owned by them with a registration body recognised by ANKC Ltd.

4.2 Rationale

The rationale for the Proposed Amendment is to address the following concerns of ANKC:

- (a) the health and welfare of dogs that are only registered with unrecognised bodies (and not with bodies recognised by ANKC);
- (b) that breeders, who purport to be registered as members of ANKC Members Bodies (whether or not that is in fact the case), are engaging in conduct that may mislead, deceive or, at the very least, confuse the public by marketing dogs as being “registered” (giving an overall impression that they are Registered with a body recognised by ANKC) when in fact it is registered with some other unrecognised registration bodies. ANKC is aware of practices in which dogs registered with unrecognised registries are sold as “ANKC registered” to unsuspecting purchasers who believe they are purchasing pure bred dogs Registered with canine registration bodies recognised by ANKC and are able to enjoy the benefits as specified in paragraph 3.3 of these submissions, when in fact that is not the case.

In particular, it appears that a number of the unrecognised registries were primarily established so that breeders can bypass ANKC’s rigorous requirements for pure bred pedigree Registration. As far as ANKC is aware, these registries do not:

- (c) require compliance with a set of breeding requirements which is of comparable stringency to ANKC’s Code of Ethics and regulations (in particular, Regulation Part 6 in respect of the Register & Registration). Without limitation, the unrecognised registries do not generally restrict the frequency of breeding and ages for breeding female dogs; and

- (d) have comparable animal welfare initiatives such as maintenance of a hereditary disease database (which ANKC does through its Officially Registered Canine Health Information Database (ORCHID)) or run health certification schemes (such as ANKC's Canine Hip and Elbow Dysplasia Scheme (CHEDS) and Australian Canine Eye Scheme (ACES)).

4.3 Enforcement of a breach of Code of Ethics

If ANKC Registered Breeders and Owners are suspected of contravening the Code of Ethics, ANKC Member Bodies have in place published processes to investigate such conduct and provide ANKC Registered Breeders and Owners with an opportunity to be heard to such allegations (or otherwise be heard before a panel).

A copy of the investigate process applicable to Dogs NSW (the ANKC Member Body in NSW) is enclosed as Annexure B for reference. If the Code of Ethics is found to be breached, and the panel or investigation committee considers that a penalty is appropriate, they may proceed as follows:

- (a) reprimand the member;
- (b) impose upon the member such fine as it may think appropriate in the circumstances;
- (c) disqualify the member from exhibiting or handling an exhibit, or from acting as a Show official, or from admission to a Show;
- (d) suspend the member from membership of the ANKC Member Body for a specific period;
- (e) require the member to tender his resignation from the ANKC Member Body;
- (f) terminate the member's membership of the ANKC Member Body; or
- (g) impose upon the member any combination of the above.

Whilst each state and territory ANKC Member Body determines and publishes its own processes, the general process, and the measures to ensure procedural fairness, are consistent across all ANKC Member Bodies.

5. Particulars of conduct for which authorisation is sought

ANKC seeks authorisation in respect of the Proposed Amendment pursuant to section 88(1) of the CCA. Specifically, the provisions of the CCA for which ANKC is seeking authorisation are as follows:

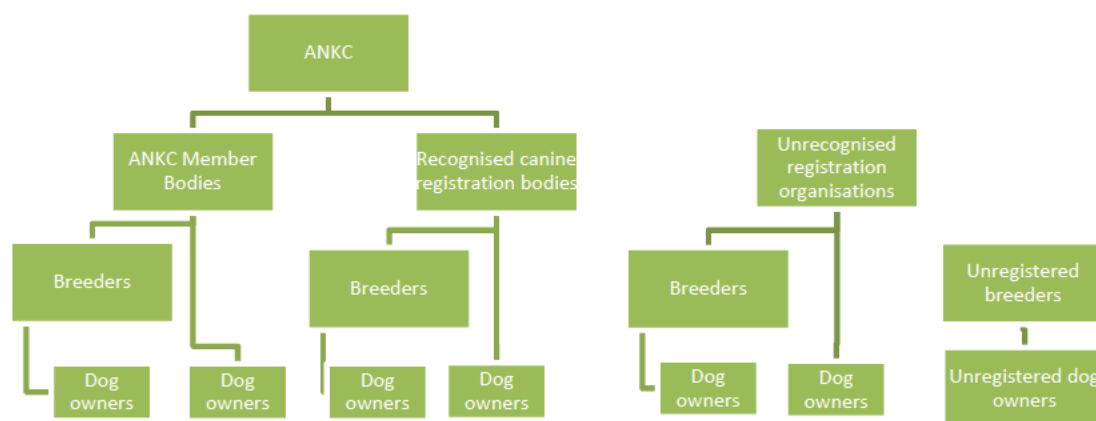
- (a) cartel conduct (section 45AD of the CCA);
- (b) anti-competitive contracts, arrangements or understandings (section 45 of the CCA); and
- (c) exclusive dealing (section 47 of the CCA).

6. Market information and concentration

6.1 Overview of market

In ANKC's view, the supply chain for Registration services in Australia can be summarised by the diagram below:

Diagram 4.1



As outlined above, ANKC considers that the market for Registration services can be broadly divided into two groups:

- (a) Registration services provided by ANKC Member Bodies or other ANKC recognised canine registration bodies; and
- (b) Registration services provided by registration organisations not recognised by ANKC.

There is also a significant number of breeders or dog owners who do not seek to Register their dogs at all. In a report published by ANKC in 2017 titled "A Forensic View of Puppy Breeding in Australia", ANKC estimates that, in 2016, 85% of all puppies (over 400,000 puppies) were bred by breeders who were not registered as members of ANKC Member Bodies (and therefore, are not registered through registration services provided by ANKC Member Bodies).

6.2 ANKC, ANKC Member Bodies and recognised registration bodies

As noted in section 3, ANKC does not itself provide Registration services.

Registration services are provided by the ANKC Member Bodies in each state and territory in Australia. 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. ANKC does not consider there are currently any other organisations in Australia that comply.

As of the date of these submissions, ANKC also recognises the following overseas canine organisations as registration bodies:

- (a) the American Kennel Club (website: www.akc.org);
- (b) the Kennel Club (UK) (website: www.the-kennel-club.org.uk);
- (c) the Canadian Kennel Club (website: www.ckc.ca/en); and
- (d) all other full members, associate members and contract partners of Federation Cynologique Internationale (as specified at <http://www.fci.be/en/members/>).

6.3 Other unrecognised registration organisations

ANKC is aware of a number of organisations that offer Registration services in Australia to breeders and dog owners. In particular, ANKC notes the following organisations:

Organisation	Description
<p>Master Dog Breeders & Associates (Website: https://www.mdba.net.au/)</p> <p><u>Contract information:</u> PO Box 31 Ganmain New South Wales 2702 info@mdba.net.au +612 6927 6707</p>	<p>The Master Dog Breeders and Associates (MDBA) was established in 2004 to represent the interests of a wide range of canine enthusiasts in Australia.</p> <p>MDBA provides membership to individuals including breeders, professionals and owners. It also provides education, resources and support to improve knowledge and practices in dog breeding, ownership and canine care.</p> <p>MDBA provides an alternate pedigree registry to traditional registries in Australia with two main differences:</p> <ol style="list-style-type: none"> 1. the registry contains a record of the dog's DNA and health results, the working heritage of the dog's ancestors and the dog's ancestor's temperament and idiosyncrasies in addition to the dog's ancestors records and any championships; and 2. the registry is also open to registering all breeds where it can be demonstrated that the addition of a dog into the gene pool is in the best interest of the breed – this includes a dog of the same breed without papers, limited papers or papers which are not recognised by traditional registries.
<p>Australian Canine Registry (Website: https://www.aucanineregistry.com/)</p> <p><u>Contract information:</u> PO Box 176 Scone New South Wales 2337 aucanineregistry@gmail.com</p>	<p>The Australian Canine Registry (ACR) provides for alternative registration services for all canine breeds. ACR was established to provide breeders with a choice in the registration and development of new foundation lines.</p>

Organisation	Description
0422 742 037	
<p>International Canine Breeders Studbook P/L (Website: www.icbsregistry.com)</p> <p><u>Contract information:</u> PO Box 71 South Morang Victoria 3752 info@icbsregistry.com 0474811027</p>	<p>The International Canine Breeders Studbook (ICBS) operates another alternative registration service. ICBS provides two types of registries:</p> <ol style="list-style-type: none"> 1. main purebred registry for registration of purebred dogs; and 2. canine index studbook for dogs which do not have correct or otherwise have incomplete pedigree. <p>ICBS allows off-springs of dogs to be registered on the main purebred registry if it can be shown that the lineage is corrected by breeding with purebred dogs.</p>

There are other organisations which registers only specific breeds of dogs or otherwise only registers breeders (and not dogs themselves). Organisations which ANKC is aware of are specified below.

Organisation	Description
<p>Australian Labradoodle Association Inc (Website: http://www.laa.org.au/)</p> <p><u>Contract information (as available):</u> secretary@laa.org.au Online contact form: http://www.laa.org.au/index.php/contact/make-an-enquiry</p>	<p>The Australian Labradoodle Association Inc was established in 1998 to advise and guide prospective and current labradoodle owners and breeders to promote and strive for recognition of the breed.</p> <p>The ALA provides accreditation for breeders of labradoodles as well as a registry of labradoodles.</p>
<p>Mini Foxie Club of Australia Inc (Website: http://www.minifoxie.org/)</p> <p><u>Contact information:</u> PO Box 383 Galston NSW 2159 info@minifoxie.org 0412903851</p>	<p>The Mini Foxie Club of Australia Inc is an independent breed club and breed registry dedicated to the promotion and preservation of the Miniature Fox Terrier.</p> <p>As a dog breed not recognised by the ANKC, all pedigrees are recorded and issued by the Mini Foxie Club of Australia Inc.</p> <p>The Mini Foxie Club of Australia Inc holds shows, maintains the breed registry, registers breeders, maintains a breed standard and produces a quarterly newsletter.</p>
Australian Association of Pet Dog Breeders	The Australian Association of Pet Dog Breeders (AAPDB) was established to provide a voice for

Organisation	Description
(Website: https://www.aapdb.com.au/) Contact information (as available): support@aapdb.com.au Online contact form: https://www.aapdb.com.au/contact-us/	breeders of dogs which are not “registered”. The focus of AAPDB is on the health and suitability of dogs as a pet, over the importance of a long pedigree or competition winning history. Therefore AAPDB provides for a register of breeders rather than dogs. AAPDB provides accreditation to breeders which have agreed to abide by a strict code of ethical behaviour, completed their breeder training and have undertaken an animal focused, quality assurance audit of their premises by a practicing veterinarian.

7. Impact of proposed amendment and public benefit

7.1 Likely impact of Proposed Amendment

ANKC submits that, the Proposed Amendment has, or is likely to have, minimal detriment to the Australian market for Registration services.

ANKC is aware of only a very small number of breeders registered as members of ANKC Member Bodies that currently obtain Registration services from registration organisations not recognised by the ANKC. As noted in section 6.1 above, ANKC estimates that in 2016 only 15% of all puppies were bred by breeders registered as members of ANKC Member Bodies. It is acknowledged that those breeders are more likely to seek Registration services from ANKC Member Bodies when the Proposed Amendment is given effect.

However, breeders are not required to comply with the Proposed Amendment if they are not members of ANKC Member Bodies. Accordingly, breeders also have the option of sidestepping compliance with the Proposed Amendment by foregoing their individual memberships with ANKC Member Bodies.

The Proposed Amendment only impacts breeders who are registered as members of ANKC Member Bodies. It is not expected that the Proposed Amendment would have any impact on owners of dogs (that have not been Registered) seeking Registration services from ANKC recognised bodies or other unrecognised registration organisations.

For the reasons noted above, ANKC also submits that the Proposed Amendment would not have the effect, or would not be likely to have the effect, of substantially lessening competition.

7.2 Public benefit

ANKC submits that the Proposed Amendment would result, or be likely to result, in a benefit to the public that outweighs any detriments that will or likely to result.

As Registration with ANKC Member Bodies and other ANKC recognised registration organisations confers a number of benefits (as specified in section 3.3 above), dogs which have been Registered with ANKC Member Bodies and other registration organisations

typically command higher prices. In ANKC's view, the Proposed Amendment would result, or be likely to result in the following public benefits:

- (a) purchasers of dogs from breeders can have certainty that breeders who are registered as members of ANKC Member Bodies have Registered its puppies with the ANKC Member Bodies or another registration organisation recognised by ANKC. Accordingly, if they choose to pay higher prices to purchase dogs from those breeders, they will enjoy the benefit which Registration confers as noted in section 3.3; and
- (b) purchasers of dogs can make informed choices as to whether to purchase from breeders who are registered as members of ANKC Member Bodies (who would have Registered dogs with ANKC Member Bodies or another registration organisation recognised by ANKC) or other breeders (who may have Registered dogs with registration bodies not recognised by ANKC or have obtained no Registration at all).

More importantly, the Proposed Amendment is an initiative of ANKC to improve the health and welfare of dogs bred by members of the ANKC Member Bodies. The implementation of the Proposed Amendment will better ensure:

- (c) compliance with ANKC's breeding requirements as set out in ANKC's Code of Ethics or regulations; and
- (d) participation in ANKC's animal welfare initiatives including contributions to ANKC's Officially Registered Canine Health Information Database (ORCHID) or participation in ANKC's Canine Hip and Elbow Dysplasia Scheme (CHEDS) and Australian Canine Eye Scheme (ACES).

Annexure A – National Code of Ethics of Responsible Dog Ownership

See attached.



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About Us

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National Code of Ethics of Responsible Dog Ownership

Amended
October 2018

Each member, upon being elected or re elected to membership of a Member Body of the ANKC Ltd shall be bound by the ANKC Ltd Code of Practice subject to each States relevant legislation.

Ethics

1. A member shall not knowingly or recklessly misrepresent the ANKC Ltd or the member's Member Body.
2. A member shall not engage in any behaviour that is contrary to the standards accepted by the community.
3. A member shall display good sportsmanship and conduct at all times so as to reflect credit upon themselves, the ANKC Ltd and the member's Member Body.
4. Members shall constantly strive to improve their knowledge of their chosen breed or breeds, and their knowledge of the requirements for the care, welfare and betterment of dogs.
5. Members shall ensure that all dogs under their control are properly controlled, housed, fed, watered, exercised and receive veterinary care as required.
6. A member who leaves a dog owned by them in the care of another person shall remain ultimately responsible for that dog.
7. A member shall take all appropriate lawful measures to assist a dog in distress.
8. A member shall positively enhance the reputation of dog breeders and owners by ensuring that dogs owned by the member are not a danger or nuisance to the community.
9. A member shall not participate in nor support any activity in that involves cruelty or damage to animals, excluding legal hunting activities.
10. A member shall not dispose of dogs owned or bred by the member to a pound or animal refuge.

Breeding

11. A member shall breed primarily for the purpose of improving the quality and/or working ability of the breed in accordance with the breed standard, and not specifically for the pet or commercial market.
12. A member shall not breed with a bitch unless the bitch has reached adequate maturity for that breed as determined by the member's Member Body. Refer ANKC Regulations Part 6 Clause 8.2.

➤ 2019 Rule Review Submissions -
National Sled Sports Committee

➤ 2019 Rule Review Submissions -
National Lure Coursing Committee

➤ 2019 Rule Review Submissions -
National Retrieving & Field Trial
Committee

➤ Suspensions - Aggressive Dog

13. A member shall not breed a bitch (except under extenuating circumstances) causing it to whelp more than twice in eighteen months without the prior approval of the member's Member Body.

14. A member shall not breed a bitch (except under extenuating circumstances) causing it to whelp more than six times without prior veterinary certification of fitness for further breeding, and without prior approval of the member's Member Body.

15. A member shall not breed a bitch which is eight years of age and over unless it complies with ANKC Regulations Part 6 Clause 8.3.

16. A member shall not permit any of that member's pure bred dogs to be mated to a dog of a different breed, to a cross bred dog, to an unregistered dog of the same breed, or to a dog not on the Main Register without the prior approval of the member's Member Body.

17. A member shall take responsible action to reduce the incidence of hereditary diseases in accordance with the ANKC Ltd Code of Practice for Hereditary Diseases.

18. A member shall not, within Australia, sell or otherwise transfer from that member's care any puppy under eight [8] weeks of age without the approval of the member's Member Body.

19. A member exporting a puppy must comply with all current requirements of the Australian Department of Agriculture. **(10/15)**

20. A member shall not knowingly sell a dog to any person residing in an overseas country known to be involved in the utilisation of dogs for the meat trade without first satisfying the member's Member Body that the purchaser is a member of an ANKC Ltd recognised canine controlling body in the overseas country. The member and purchaser must further acknowledge in writing to the member's Member Body that the intention of the sale is for the improvement of the quality of that breed in the overseas country, and not for any other purpose.

21. A member shall ensure that persons acquiring dogs from that member understand the requirements for the care, welfare and responsible ownership of the dog, and that they have the time and facilities, e.g. adequate fences, sufficient room and proper shelter, to fulfil their responsibilities.

22. A breeder shall be expected to maintain reasonable contact with the purchasers of dogs from that breeder and to offer continued advice and reasonable assistance.

23. A member shall register all puppies bred by that member that are living at the date of registration. Such registration must include all puppies from the litter on the one litter registration application form and must be applied for within eighteen [18] months of the date of whelping or prior to sale or rehoming. **(06/08) (10/16)**

24. A member shall provide to all recipients of dogs sold or otherwise disposed of by that member, written details of:

- .1 The breed characteristics;
- 2 Vaccination record and / or requirements;
- 3 Responsible dog ownership information; and
- .4 All documentation required by the member's Member Body.

25. A member shall not incorrectly describe nor knowingly misrepresent the characteristics of a breed.

26. A member shall ensure that all dogs sold or disposed of by that member are in the best possible state of health. Where a dog with a health issue or disability is disposed of the member must obtain from the recipient written and signed acknowledgement of the condition of the dog.

27. A member shall not:

- .1 Sell or dispose of a dog to a commercial pet wholesaler or retail pet shop. **(10/15)**
- 2 Allow a dog owned by that member to be given as a prize or donation or to be auctioned.

General

28. A member shall not conduct or permit mother / son, father / daughter or brother / sister matings. The member is fully aware that puppies as a result of such matings will not be registered without first gaining approval from the Member Body for the mating for scientifically proven welfare or veterinary reasons. **(Added EAP 07/11)**

29. A member who provides or makes available a dog for use in a film, advertisement,

promotion, or any media or public display must ensure that:

.1 The dog is portrayed in a manner consistent with its breed characteristics and temperament as described in the Standard for that breed; and

2 The dog is presented in a manner that is unlikely to create a negative reaction to dogs generally or that breed in particular and that if there is any likelihood of a negative impression, this is at the same time corrected through the development of a story line that presents the dog or breed in a balanced manner.

30. A member shall not indulge in false or misleading advertising relating to the conformation, characteristics or performance of that member's dog.

31. A member shall not misrepresent nor malign the conformation, characteristics or performance of another member's dog.

32. It is mandatory for an ANKC Ltd Member Body Membership Number to be displayed on any advertisement for dogs whatever the media and all members must include the following wording in their advertisements:

"Please contact Dogs [insert State/Territory] on email: [insert email address] to verify my membership". **(Amended 10/17, 6.1)**

33. A member shall not use spiked or electronic collars for the purposes of training.
(Added 10/18, 6.17.1)



Find a Breed Standard

View breed standards for all the Australian National Kennel Council recognised breeds.

Search Breeds...

Submit Query



Find an Australian Judge

Looking for an Australian Judge? Search our database of all the national approved judges.

Search Australian Judges...

Submit Query



Find an International Judge

Looking for a visiting international judge? Search our database of all visiting judges.

Search International Judges...

Submit Query

Submit



Annexure B– Published investigative process (Dogs NSW)

See attached.



DOGS NSW COMPLAINTS PROCEDURES

1. Dogs NSW will not deal with anonymous complaints, whether by telephone, email or in writing.
2. Dogs NSW will not become involved in disputes between members in relation to the sale of dogs. These are usually private matters to be determined by the contractual agreements between parties. Disputes on such matters should be resolved through NSW Fair Trading or the Courts and not by Dogs NSW.
3. Complaints must be submitted directly by the complainant to Dogs NSW (not via a third party).
4. The complainant must, in the first instance, make all attempts to resolve the problem with the member who is the subject of their complaint, eg, breeder; ie, discuss options of refund, partial refund or replacement, DNA testing, etc.
5. If unable to come to an agreement, the complainant should submit the complaint **on the Dogs NSW-Complaint Lodgement Form** to Dogs NSW, along with all evidence such as documentary proof they have attempted to resolve the matter and, where the breeder/seller has refused, proof of the breeder's/seller's refusal, receipt/proof of purchase, veterinary report, photographic evidence, etc.
6. The complainant should, **on the Dogs NSW-Complaint Lodgement Form**, include reference to the specific Dogs NSW Regulation which it is alleged is being breached. Dogs NSW Regulations can be viewed on the website at <http://www.dogsnsw.org.au/members/member-information/regulations.html>.

It should be noted that in some cases, a complaint lodgment fee of \$150.00 is required in order for the complaint to progress. (Refer Regulations Part XI - Inquiries, Investigations & Appeals, Section 3.4(a), which states:

3.4(a) Until the Board of Directors otherwise determines, a fee of \$150.00 is payable upon the lodgment of a complaint with the RNSWCC Secretary.

(Refer to Page 2 for complaint fee requirements)

Upon receipt of **all** of the above requirements and confirmation that the respondent is a current financial member of Dogs NSW, the complaint will be forwarded to the Dogs NSW Disputes Assessment Panel for consideration.

VIRGINIA GAGAN-WILSON
Chief Executive Officer

PLEASE BE ASSURED THAT DOGS NSW TAKES ANY COMPLAINTS ABOUT ITS MEMBERS IN A SERIOUS MANNER. As you may be aware, there are various types of complaints received by Dogs NSW Office and these are dealt with as follows:-

ETHICS & WELFARE COMPLAINTS

These complaints relate to issues such as unethical breeding, sale of a dog in ill health and other similar clauses in the Code of Ethics, however, it should be noted that Dogs NSW Regulations Part XIII-Code of Ethics, Clause 23 states:-

23. *No dog should be sold or transferred in a state of ill health. It is a defence to any complaint against a Member for contravention of this Clause if the Member proves that it was not reasonably practicable for the Member to know that the dog was in ill health at the time of sale or transfer.*

Ethics & Welfare complaints do **NOT** attract a complaint fee and are referred to the Dogs NSW Ethics & Welfare Working Party once advice has been sought and obtained from the Dogs NSW Honorary Vets.

ANIMAL WELFARE & COMMUNITY LIAISON COMPLAINTS

These complaints relate to matters such as:-

- Advertising by a Dogs NSW Member of unregistered dogs, cross breeds, unrecognised breeds, dogs sold without papers, etc,
- Non-display of membership number on an advertisement or advertising to be a registered breeder when they are not
- Complaints of poor kennel conditions or over breeding
- Other matters that may require an inspection of a Dogs NSW Member's premises.

AWCLO complaints do **NOT** attract a complaint fee and should be referred to the CEO for onforwarding to the Animal Welfare & Community Liaison Officer.

DISPUTES ASSESSMENT COMPLAINTS

These complaints are generally direct breaches of ANKC Ltd and/or Dogs NSW Regulations and Dogs NSW Social Media Policy, such as:-

- Altercation at a show (Misconduct)
- Unsportsmanlike behaviour (Misconduct)
- Failure to resolve a Non-supply of Registration papers matter
- 3rd Offence breach of Code of Ethics
- Disparage a Judge at a Show
- Incorrectly enter a dog in a show
- Forging documents
- Making derogatory or disparaging remarks by a Dogs NSW member on Facebook or other forms of social media
- Cyber bullying by a Dogs NSW Member
- Dogs NSW Member using obscene or sexually explicit language or material in any form of media

Disputes Assessment Panel complaints **DO** attract a complaint fee of \$150.00 and are referred to the Disputes Assessment Panel for consideration and determination as to whether the matter should proceed to an Inquiry Hearing.

The above lists are not exhaustive lists, only examples.