
From: [REDACTED]
Sent: Thursday, 29 August 2019 9:49 AM
To: Varon, Eado
Cc: Wu, Connie
Subject: Australian National Kennel Club Submission
Attachments: DogsNSW not supporting DNA testing.pdf; DogsQld Breeder survey that did not allow you to disagree on 9th Feb.pdf; Pedigree Australian Terrier with Dobermans.pdf; Pedigree Beagle with Dobermans.pdf; Pedigree Bonnie GSD but Dobermans.pdf

Dear Eado and Connie

I'm sorry for the delay in replying to you. I'll work through the ANKC submission now as follows:

Covering Letter from Piper Alderman date 28th May 2019

Second page, first paragraph states that ANKC is not aware of any other breed- specification organisations or associations which do not offer registration services to which it can direct the ACCC. This statements seems a little odd to me as each State member body affiliates many breed and sporting dog clubs. Most dog breeds have a breed club, often one in each state. [REDACTED].

An example of the numbers involved are this list of Qld clubs:

<https://www.dogsqueensland.org.au/Club>

Additionally there are even more registered clubs and associations that have chosen not to affiliate with ANKC, especially breed rescue and dog obedience.

It is hard to believe that the ANKC is unaware of the many various working dog groups around Australia, sheep trials, gun trial clubs etc.

They might like to think they are the only dog association available in Australia, but if that was the case, they would not be spending thousands of dollars of members' funds on this ACCC submission.

Application for Authorisation

Page 10. An omission is the UKC – United Kennel Club. The USA has two kennel clubs, both of near equal size, both holding shows and maintaining databases. It is possible for your dog to be dual registered in the USA, ie AKC and UKC. The ANKC though has an agreement to only recognised AKC pedigrees. However, the UKC offers dog registration to anyone in any country and therefore it is possible to have registered UKC dogs in Australia and register their offspring in her via UKC. ANKC will not recognise these dogs. They have not added UKC to their submission because they have an Exclusive Dealings arrangement with AKC.

An even more glaring omission is the Working Kelpie Council which provides 6 generation pedigree (ANKC are only 3 generation) and it's possible to purchase the entire data base on CD. <http://www.wkc.org.au/Default.php> It appears to me that the ANKC are not revealing all the information that the ACCC requires.

Submissions in Support of Application for Authorisation

Page 1 under Executive Summary, paragraph 4 states that the proposed amendment “will improve health and welfare of dogs”. There is no explanation as to how the health of a dog could be improved by this amendment. Along with continual positive affirmations of being the “peak body” throughout the submission, both these statements are unsubstantiated and purely designed to lead the reader to an opinion for which there is no basis.

The submission engages in confirmation bias.

This is a common strategy of ANKC and its member bodies. Please find attached a screen shot of a DogsQld Breeder “Survey” that we were encouraged to have our say on. As you can see, it was actually only possible to submit that you agree, so people had to pull out of the “survey” if they didn’t agree. Hardly a survey. We were then told that 100% of breeders surveyed had agreed to having their details given to the State Govt!!

Paragraph 4 feels that public are mislead if they are sold a “registered” dog but then discover it is not registered with ANKC. ANKC do not have copyright on the word “registered” and if the dog is registered with any of the competing bodies, then it is registered and no deception has occurred.

If someone advertises that the dog is ANKC Registered and sells them say an MDBA Registered pup, then this is misleading and deceptive conduct and the purchaser can take this up as a civil matter. It has nothing to do with ANKC.

Paragraph 5 states that the amendment will have “minimal detriment to the Australian market for Registration services”. Another blanket statement for which no proof or reasoning has been provided.

The 15 % quoted seems to be the accepted figure in Australia for ANKC registered puppies. However, the fact that there are so few registered pups, doesn’t mean the amendment will have no effect. All it means is that we are dealing with pitifully small numbers already because the reputation of purebred dogs has been so poorly managed in Australia and the availability is so limited due to mismanagement by ANKC, that we actually don’t have much of the market!

Item 2.1(a) states that it would not substantially lessen competition. Since their main competition is now MDBA and the purpose of this submission is to be able to expel and fine members who use alternative registration services, this paragraph is a blatantly false and misleading. Their hoped for effect is to remove the competition completely.

Paragraph 3.2 states that the ANKC’s functions include managing regulations which must be complied with and implemented by the state bodies. That actually doesn’t happen. Please see the attached article from the DogsNSW magazine wherein DogsNSW have publically declared that they will not be subjecting their members to compulsory DNA parentage testing as has been mandated by the ANKC. There doesn’t seem to be anything the ANKC can do about this other than excommunicate DogsNSW along with their almost 10,000 members. Unlikely!

In fact each of the State Bodies have their own slightly different code of ethics and it can get extremely confusing for members. For instance DogsVic allow a bitch to have 8 litters with only the last 2 litters requiring vet approval. DogsQld only allows 6 litters and vet approval must be sought after 4 litters. It’s quite easy to make a mistake as a member due to most of the State bodies doing exactly what they want.

[REDACTED]

I contend that even though they are the head body of the State bodies, their authority is far from respected!

Still under Item 3.2 on page 3, halfway down the page, it lists 3 numbered benefits of Registration with ANKC.

Item 1 states that the pedigree records date back over a century. This is patently false. Though some breeds of dogs (very few) do have records going back 100 years, most don't have any written records until more recently. And regardless of when a breed began to keep records, the ANKC doesn't have the database for it. As a member, I can log into the database to check dogs but it only goes back around 30 years and there are huge gaps in the information.

I have old paper pedigrees dating back from 1979 and when I search the database for these dogs, the pedigrees come up as completely blank. In fact even a 1993 one I have in my hand comes up a blank in the database even though the dogs were shown and bred from.

The database also fails from time to time. Please see attached pedigrees listing all sorts of breeds in the pedigree that are clearly incorrect – these pedigrees were sent out to unsuspecting puppy buyers!

The statement that they have pedigree records going back over a century is 100% false.

Item 2 points out that registered dogs are eligible to participate in CHEDS and ACES. I've never looked into these schemes as my breed is not affected by dysplasia or eye problems but I understand from this statement that these schemes initially started in conjunction with the AVA are not available to other dogs at all?

Item 3 states that registration allows dogs to enter the ANKC dog shows. However, it needs to be noted that only (1) Main Register (2) undesexed dogs (3) owned by current financial ANKC members can compete at these shows. Also the numbers of dogs being shown has shrunk dramatically from when I started showing in 1980 as a school girl. ANKC breeders try to tie buyers up in knots with complex contracts, they don't transfer the registration papers to the new owners unless the pups are desexed and then the only do Limited Registration. As a result, buyers can't show their dog even if they wanted to.

Showing is simply a human sport to enjoy a day with your dogs and it gives a breeder a bit of credibility to the general public if your dogs have the title ANKC Champion but it doesn't mean a great deal and not many breeders make their breeding choices on what dogs the Judges thought were good.

So Item 3 is correct but does it matter that someone can show their dog or not? No, it doesn't. Does it benefit dog health? No. Does it show working temperament? Definitely not.

Item 3.4 states that a copy of the current version of the code of conduct is attached. What is attached is the DogsNSW code of Conduct. As already noted, most of the State bodies have slightly different codes of conduct!

Item 4.1 (page 4) refers to "canine registration bodies which are recognised by ANKC". The only bodies recognised are the State member bodies and the Greyhound Racing Board registration papers.

Item 4.2 (a) refers to their concern about dogs that are registered with unrecognised bodies. Since we have huge health concerns in ANKC purebred dogs, their concern about 85% of dogs born outside of ANKC is touching but of no value to anyone. They would be well advised to clean up their own problems before dissertating on their ability to solve other registration bodies' problems of which they have no proof. I would also contend that registries like MDBA, the pet registry, working kelpie registry and the like have far better systems in place to assist people to keep their breeding lines healthy. At very least, the other registries offer breeders who consider health and working ability more important than being pretty for show ring, an alternative registration service.

Item 4.2 (b) is the attempt to claim the right to the use of the term “registered”. That only an ANKC dog is “registered”. If someone has been told they are receiving ANKC papers and then receive another registry or more often, no papers at all, this is a civil matter and nothing to do with ANKC. If they are the only body with the right to use the term “registered” it would not stop people engaging in deceptive and misleading conduct and it would not remove the onus on the buyer to pursue the matter via civil means.

Item 4.2 (b) goes on to state that the competing registries are there to bypass ANKC rules. Some of the competing registries are considerably stricter and have far better pedigree programs that allow owners to add health and temperament notes. The ANKC’s claim to be superior or stricter is unable to be validated and is simply a slur on the competing registries. The competing registries simply offer breeder other options, not necessarily less rigorous options.

The continuous use of the phrase “unrecognised Registries” is another use of confirmation bias throughout this submission. The “unrecognised registries” are legally and lawfully recognised in Australia. The correct term is “competing registries”.

Part (c) and (d) on page 4 and 5 are presented as statements of fact but are also unable to be validated

Item 5 – the ANKC is clearly applying to breach (a) (b) and (c) as currently they are only able to bluff and terrorise members who don’t have the capacity or knowledge to fight them legally. They are asking for the legal right to engage in cartel conduct, anti competitive conduct and exclusive dealing.

Item 6.1 (a) refers to “other ANKC recognised canine registration bodies”. There is only one other body that ANKC recognises and that is the Greyhound Racing Control Board.

Item 6.2 states that the ANKC magnanimously is prepared to recognise other Australian organisations if they materially meet the ANKC Code of Conduct. It is fairly obvious that even with changes forced upon the Greyhound racing industry in recently well publicised acts of cruelty involving greyhounds, that the Greyhound Racing Board in no way at compares to the ANKC code of conduct!

The other registration bodies that the Board is currently wanting to run out of business via their ACCC submission, have either similar or considerably better codes of conduct than the ANKC. Once again, the submission is substantially false and entirely misleading.

They recognise the Greyhound registry with their production (and destruction) of tens of thousands of dogs a year (where are all the old greyhounds?) but not valid registries like MDBA and Working Kelpie.

Item 6.2 (a) through to (d) lists the kennel clubs that the ANKC not only recognises but all of these clubs have entered exclusive dealing arrangements with ANKC. Eg, the ANKC only recognises AKC (American Kennel Club) pedigrees but not the equally powerful United Kennel Club (UKC) even though the UKC will register Australian dogs.

Under the breed specific listings, the ANKC appears to be unaware of the Working Kelpie Association. I submit that if they are unaware of the other registration bodies of note in Australia, then they are not the “Peak Body” or experts that they claim to be. They seem to have huge gaps in their knowledge of dogs in Australia.

Either that or their submission is attempting to misinform and misguide the ACCC.

Item 7.1 states again that their submission will have minimal impact on the on the market. Their logic for this statement seems to be that they believe they only affect 15% of the market. Since there are no figures available for how many of the other 85% of dogs are registered with other bodies, I submit that the ANKC is unable to state

categorically what effect this will have. However, for them to spend the time and money to lodge this submission, it actually must be quite considerable or there would be no need for this submission! So it seems they are lying.

Item 7.1, paragraph 3 makes it clear that for someone like myself with multiple breeder registrations, will lose my ANKC membership if I dare to register dogs with any other body. Australians should have the right to choose from a variety of suppliers and enjoy the benefits of a competitive market for registration services.

Item 7.2 states that this will result in a benefit to the public but does not clarify how this benefit will occur – unless the public being forced to pay higher prices for a registered puppy is considered a benefit to the public (see paragraph 2).

The further statement that it will improve the health and welfare of dogs is quite untrue as already discussed. The other registries are doing a similar or better job of providing useful information to help breeders with their breeding decisions.

Additional Information

The Code of Conduct for DogsQld is here:

<https://www.dogsqueensland.org.au/media/47087/rules-2017-v10.pdf>

It states in part:

(12) I shall not permit any of my purebred dogs to be mated:

- (i) to a dog of a different breed;*
- (ii) to a crossbred dog; (iii) to an unregistered dog of the same breed;*
- (iv) to a purebred registered dog of the same breed that is not the property of a current financial member of the CCCQ Ltd or other State/Territory Controlling Body and in the case of a bitch, where that aforementioned member does not hold a valid Breeder's Prefix; or*
- (v) to a dog not on the Main Register.*

So I can only allow my expensive imported stud dogs to be mated to a bitch that is on ANKC Main Register that is also owned by a current financial ANKC member who ALSO has a Breeder's Prefix. I supposedly can't mate him to an MDBA dog [REDACTED]. Considering one of my dogs cost close to \$20,000 to import [REDACTED], this severely limits by ability to recoup my losses and more importantly to use his unrelated genetics and very healthy excellent [REDACTED] characteristics to improve other dogs on other registries. [REDACTED] my understanding has been that this rule is illegal in Australia as it is anti competitive.

Summary

Many policies are enacted under the guise of public safety (ie not being sold a dog that's not really registered or that is not healthy) but said policies, in reality only serve to block competition. This is clearly the aim of the ANKC submission.

Thank you for your time and earnest interest in the dog breeding industry and how this submission will affect the breeder members and general public.

Yours sincerely

[REDACTED]

- (b) Each Director present at a meeting of the Board of Directors, or member of any committee present at a meeting of any committee appointed by the Board of Directors, (including the person presiding at the meeting), is entitled to one vote but, in the event of an equality of votes on the question, the person presiding may exercise a second or casting vote.
- (c) **Additional meetings to the scheduled monthly Board of Directors' meetings may be conducted by email. Should any Director indicate against an agenda item that they are unwilling to have decided by email vote, that item will be held over for discussion and determination at the next monthly Board meeting. A Board meeting held by email shall be deemed to have been held at the Office.**
- (d) **Board of Directors Meetings may be conducted with all the Directors by telephone or video link up or other instantaneous communication device where each of the Directors taking part in the Board meeting must be able to hear each of the other Directors taking part at the commencement of the meeting, and each Director must acknowledge his or her presence to all other Directors taking part. A Board meeting held by telephone or video link up or other instantaneous communication device shall be deemed to have been held at the Office.**
- (ee) Subject to Article 45(e), the Board of Directors may act notwithstanding any vacancy on the Board of Directors. (11/12)
- (df) Any act or thing done or suffered, or purported to have been done or suffered, by the Board of Directors or by a committee appointed by the Board of Directors, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any Director or member of the committee.

RATIONALE:

It is now usual practice for Corporate entities to conduct voting by email and/or other electronic video or telephone link ups. In the case of RNSWCC Ltd, it would be used for the ratification of a motion already passed by the Directors at a previous meeting but requiring the Board of Director to re-confirm the resolution no less than 14 days after the original motion (re Article 50), or receipt of ANKC Board Minutes, or in relation to urgent issues if approval for change of dates for shows, etc:-

- a) *when a face to face is too expensive, or;*
- b) *cannot be arranged due to absentee apologies if in person, or;*
- c) *if by email when skype is unavailable due to remoteness or NBN issues.*

8.3

K Hedberg BVSc to move by Special Resolution

THAT the following Clause be added to the RNSWCC Articles of Association as a new Clause numbered 91:-

Protocols for DNA Parentage Testing

- 91.** Except in the situation where there is a question as to parentage and a complaint has been made to the Board of Directors, or if the Member Body so requests, there shall be no mandatory DNA Parentage Testing in New South Wales.

RATIONALE:

At the June 2018 ANKC Ltd Special Board meeting, it was resolved to amend ANKC Ltd Regulations Part 6-The Register & Registration by adding a new Clause 6.12, which reads:-

6.12 Parentage Proven for Registration

- 6.12.1 *All puppies whelped after 01 January 2020 and being registered on the ANKC Ltd database as Main Registered are to be Parentage Proven by DNA. All results are to use the International Society for Animal Genetic (ISAG) marker and are to be submitted to the member body prior to registration.*
- 6.12.2 *Where a breeder makes application to upgrade a dog to the Main Register then the dog is to be Parentage Proven as per 6.12.1 prior to being upgraded.*
- 6.12.3 *Collection and testing of the DNA sample is to be conducted pursuant to protocols at Section 2 of these Regulations.*
- 6.12.4 *All dogs, frozen semen and Fertilised Ova imported into Australia from 01 January 2020 are to be Parentage Proven in accordance with this section.*
- 6.12.5 *All Frozen semen registered after 01 January 2020 is to be Parentage Proven in accordance with this section.*

DOGS NSW Board of Directors firmly believes that mandatory DNA parentage testing is not required at this time and would deliver a negative impact for the following reasons:

- *Will add considerable cost to every puppy registered on the Main Register.*
- *Will have the added effect of significantly increasing the number of puppies placed on the Limited Register.*
- *DOGS NSW is currently experiencing, dwindling membership and shrinking income, this further impost will drive many to either stop breeding or resign their membership and move to other emerging registration bodies.*
- *Leaving the requirements for DNA parentage testing limited to those cases where there is a clear doubt on parentage as currently occurs, is sufficient to safeguard the database.*
- *The instigation of Australia wide testing would require a framework that currently does not exist.*
- *DOGS NSW does not believe that it was the intention of the ANKC Ltd National Canine Health & Wellbeing Committee to endorse such a recommendation.*

DOGS NSW does not support this amendment to the Regulations.

9. MEETING CLOSED.

Please note that members attending the AGM will be required to produce their digital membership card, which will be checked upon entry to ensure that their membership is currently financial.

PROXY VOTING: A Proxy appointment form is published in this issue of the DOGS NSW October 2018 Gazette and is also included in the Annual Report available online at www.dogsnsw.org.au

Completed Proxy forms must be posted to the RNSWCC, PO Box 632, St Marys NSW 1790 or scanned/emailed to the office, so as to be received by no later than **4.30pm on Tuesday 6 November 2018.**

Breeder survey that did not allow you to disagree on 9th Feb.

gC http://www.gcast.com.au/Public/Input.aspx?Questionnaire x gC gCast

Animal Management Legislation - Breeders' Agreement to Provide Details

NOTE: ONLY MEMBERS WITH A PREFIX ARE REQUIRED TO COMPLETE THIS SURVEY

Please complete the information below and tick the acknowledgement at the end for Dogs Queensland to supply your details to the Queensland State Government. Note that all fields are Mandatory:

*
What is your Name?

*
What is your Dogs Queensland membership number?

*
What is your Prefix name?

*
What is the Local Government area in which you reside?

*
What are the details of either your telephone number or your email address that you wish to be displayed publicly?

*
ACKNOWLEDGEMENT
By selecting the following button, I agree that my designated details, as noted under the Animal Management (Protecting Puppies) and Other Legislation Amendment Act 2016 (the Act), will be provided to the Queensland State Government in accordance with Dogs Queensland's status as an approved entity under the Act:

☐ Agree

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4:09 PM
29/04/2017

Name: AUSSIE JEDDA 0074213

Breed: Australian Terrier

Country of Origin: AUSTRALIA

Sex: Female

Height:

Date of Birth: 5/11/1963

Colour: Sandy

S.
Dobermann

S.
Dobermann

D.
Dobermann

Sire: STROUD LORD STRADBROKE 0052909
[Sandy] Australian Terrier

S.
Dobermann

D. STROUD WENDY BRAINTREE 0023756
[Sandy] Australian Terrier

D.
Dobermann

S.
Dobermann

S.
Dobermann

D.
Dobermann

Dam:
Dobermann

S.
Dobermann

D.
Dobermann

D.
Dobermann

Date Registered:

Name: ROTAP TOPAZ 0469581

Breed: Beagle

Country of Origin: AUSTRALIA

Sex: Male

Height:

Date of Birth: 24/5/1978

Colour: Tricolour

S.
Dobermann

S.
Dobermann

D.
Dobermann

Sire: CH ANNASLINE FANFARE (IMP UK) 71/0663
[Tricolour] Beagle

S.
Dobermann

D.
Dobermann

D.
Dobermann

S. CH LEES BANJO (IMP UK) 45898/66
[Tricolour] Beagle

S. SAROMA SALADIN 0129781
[Tricolour] Beagle

D.
Dobermann

Dam: SANJUKINA CORINA 0333067
[Tricolour] Beagle

S. CH. SCOTTHOLME KOH I NOR 0122244
[Tricolour] Beagle

D. SCOTTHOLME BIMBA 0194014
[Tricolour] Beagle

D. NICKALASKA DAISY 0114847
[Tricolour] Beagle

Date Registered: 25/7/1978

Name: BONNIE CD. ASD 773

Breed: German Shepherd Dog

Country of Origin: AUSTRALIA

Sex: Spayed

Height:

Date of Birth: 1/5/1985

Colour: Black, Tan

S.
Dobermann

S.
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D.
Dobermann

Sire:
Dobermann

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Dam:
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Date Registered: