

Division of Local Government
Department of Premier and Cabinet

**Guidelines for Approval as a
Recognised Breeder Body under
Clause 3(1) of the Companion Animals
Regulation 2008**



November 2011

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Premier & Cabinet
Division of Local Government

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1 Definitions

<i>recognised breeder body</i>	means a for profit or not for profit organisation providing information to, and advocating on behalf of, members who breed dogs and cats
<i>regulation</i>	means the Companion Animals Regulation 2008 (New South Wales), as amended from time to time
<i>chief executive</i>	means the Chief Executive of the Division of Local Government, Department of Premier and Cabinet (New South Wales)
<i>division</i>	means the Division of Local Government, Department of Premier and Cabinet (New South Wales)
<i>director-general</i>	means the Director-General of the Department of Premier and Cabinet (New South Wales)
<i>code of practice</i>	means <i>Animal Welfare Code of Practice – Breeding dogs and cats</i> 2009, issued by Industry & Investment NSW. The Code sets out minimum enforceable standards and non enforceable guidelines for the care and management of breeding dogs and cats in New South Wales
<i>incorporated association</i>	means an incorporated association registered in accordance with the <i>NSW Associations Incorporation Act 2009</i>
<i>Australian company</i>	means a company established under the <i>Commonwealth Corporations Law Act 2001</i>

2 Legislative context

These guidelines have been issued by the Chief Executive, under the delegated authority of the Director-General, Department of Premier and Cabinet, to specify conditions for approval as a recognised breeder body under clause 3(1) of the Regulation.

The Regulation sets out requirements for the care and management of companion animals.

Under clause 3(1) of the Regulation, a recognised breeder is defined as a person who is a member of:

- a) Royal New South Wales Canine Council Limited¹; or
- b) NSW Cat Fanciers' Association Inc; or
- c) Waratah State Cat Alliance Inc; or
- d) any other body approved by the Director-General for the purposes of this definition by order published in the NSW Government Gazette.

Clause 17(1) of the Regulation specifies the registration fee payable for a dog or cat that is not desexed and that is kept by a recognised breeder for breeding purposes.

3 Purpose of guidelines

These guidelines set out conditions for approval as a recognised breeder body under clause 3(1) of the Regulation, enabling members of the body to pay the registration fee for a dog or cat that is not desexed and that is kept for breeding purposes.

¹ trading as Dogs NSW

4 Conditions for approval

An organisation applying for approval as a recognised breeder body under clause 3(1) of the Regulation must meet all of the conditions listed below.

4.1 Status

The organisation must be one of the following:

- registered by the Australian Securities and Investments Commission as an Australian company; or
- registered by NSW Registry of Co-operatives & Associations, NSW Fair Trading, as an incorporated association.

4.2 Profile

The organisation must:

- have been operating for a minimum of three years since registering as a company or an incorporated association;
- have current members that breed dogs and/or cats; and
- provide services to members, including, but not limited to, breeding related information (responsible breeding, the care and welfare of breeding animals and their offspring, breed standards and registries) and advocacy.

4.3 Compliance with relevant state legislation

The organisation must require members to be familiar with, and to observe, relevant state legislation, including:

- *Companion Animals Act 1998* and *Companion Animals Regulation 2008*; and
- *Prevention of Cruelty to Animals Act 1979* and *Prevention of Cruelty to Animals (General) Regulation 2006*.

4.4 Code of practice

The organisation must require members to operate in accordance with minimum enforceable standards for the care and management of breeding animals set out in the *Animal Welfare Code of Practice – Breeding Dogs and Cats* (the Code), recognised under *Schedule 2 Animal trades and Codes of Practice of the Prevention of Cruelty to Animals (General) Regulation 2006*, issued by Industry & Investment NSW.

An organisation may also require members to operate in accordance with non-enforceable guidelines for the care and management of breeding animals set out in the Code which reflect current accepted best practice and generally afford higher levels of care and management (except where the standard itself is recognised as best practice).

The organisation is responsible for ensuring that members operate in accordance with the Code.

The Code can be viewed on the Industry & Investment NSW website at: http://www.dpi.nsw.gov.au/_data/assets/pdf_file/0004/299803/Breeding-dogs-and-cats-code-of-practice.pdf.

5 Limitations on use of approval

Approval by the Chief Executive of an organisation as a recognised breeder body under clause 3(1) of the Regulation does not imply endorsement of the body. The approval may not be used to promote the body or to verify its credentials or those of its members. An approval under clause 3(1) of the Regulation is to be used solely for the purpose for which it has been granted.

6 Possible consequences of non-compliance

Failure to comply with any of the conditions for approval as a recognised breeder body under clause 3(1) of the Regulation may result in withdrawal of the approval.

If it is decided to withdraw the approval because of evidence of a breach of one or more of the approval conditions, the Chief Executive will notify the organisation in writing, informing it of the reason/s for the decision.

7 Application process

7.1 Applying for approval as a recognised breeder body under clause 3(1) of the Companion Animals Regulation 2008

An organisation seeking approval as a recognised breeder body under clause 3(1) of the Regulation must complete and return an *Application for Approval as a Recognised Breeder Body under Clause 3(1) of the Companion Animals Regulation 2008* form (Appendix A), attaching evidence of compliance with conditions for approval outlined in these guidelines, to: Chief Executive, Division of Local Government, Department of Premier and Cabinet, Locked Bag 3015, Nowra NSW 2541, or email: pets@dlg.nsw.gov.au.

7.2 Notifying applicants of the outcome of their application

Applicants will be notified in writing of the outcome of their application.

Approvals will be issued as an Order published in the NSW Government Gazette.

7.3 Handling of information provided in the application

Information provided in an organisation's application will be handled in accordance with the *Privacy and Personal Information Protection Act 1998*.

It will not be disclosed to third parties, except as required for the processing of the application, that is, the publication of an Order in the Gazette or in accordance with the *Government Information (Public Access) Act 2009*.

7.4 Duration of approval

The approval is valid for five years from date of publication in the Gazette. The Division will notify an organisation holding an approval of the need to re-apply within three months of the expiry date of the approval. If the organisation does not re-apply within the prescribed timeframe, the approval will automatically lapse.

7.5 Requirement to notify the Division of any change to information provided in the application

An organisation that has applied for, or been granted approval as, a recognised breeder body under clause 3(1) of the Regulation is required to notify the Division of Local Government of any change/s to information provided in the original application within 14 days. Failure to notify the Division of any change/s within the prescribed timeframe may invalidate the application or approval.

8 Information to be presented by a member of a recognised breeder body on registering a breeding dog or cat

When a breeder member of a recognised breeder body registers a breeding dog or cat, a council officer must sight:

1. proof of current membership as a breeder member of a recognised breeder body defined under clause 3(1) of the Regulation;
2. documentation verifying that the cat or dog is of a breed accepted by the recognised breeder body; and
3. a signed statement by the member that the cat or dog is to be kept for breeding purposes.

If the required documentation is not produced, a council officer cannot process the registration at the recognised breeder registration rate. A current list of recognised breeder bodies will be available on the Division's website.

9 Further information

Any questions relating to conditions for approval as a recognised breeder body under clause 3(1) of the Regulation should be addressed to the Companion Animals Team, Division of Local Government:

Email: pets@dlg.nsw.gov.au

Ph: (02) 4428 4100

For further information on companion animals, visit the Division's website at: www.dlg.nsw.gov.au.

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Application for Approval as a Recognised Breeder Body under Clause 3(1) of the Companion Animals Regulation 2008

Applicant instructions for completing form:

Please tick box to indicate insertion or attachment of required information

Organisation information

1. Name of organisation seeking approval (as it will appear in the NSW Government Gazette if your application is successful)	<i>Applicant use</i>	<i>Office use</i>
	<input type="checkbox"/>	<input type="checkbox"/>
2. Australian Company Number or Incorporated Association Number (attach proof of registration with Australian Securities and Investments Commission or NSW Registry of Co-operatives & Associations)		
<i>Attach</i>	<input type="checkbox"/>	<input type="checkbox"/>
3. Contact person		
	<input type="checkbox"/>	<input type="checkbox"/>
4. Position in organisation		
	<input type="checkbox"/>	<input type="checkbox"/>
5. Telephone number (Business hours)		
	<input type="checkbox"/>	<input type="checkbox"/>
6. Email address		
	<input type="checkbox"/>	<input type="checkbox"/>
7. Postal address		
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>

Supporting information to be provided

8. Organisation's history (for example, circumstances leading to its establishment, establishment date, significant achievements to date)	<i>Applicant use</i>	<i>Office use</i>
<i>Attach</i>	<input type="checkbox"/>	<input type="checkbox"/>
9. Organisation's constitution and statement of objects and rules or other document/s demonstrating the framework under which it operates		
<i>Attach</i>	<input type="checkbox"/>	<input type="checkbox"/>
10. Copy of your organisation's code of practice relating to the breeding of dogs or cats, with which breeder members must comply		
<i>Attach</i>	<input type="checkbox"/>	<input type="checkbox"/>
11. Copies of your organisation's policy and procedures for monitoring and enforcing breeder members' compliance with your code of practice, and for managing complaints		
<i>Attach</i>	<input type="checkbox"/>	<input type="checkbox"/>
12. Copy of proof of membership provided to breeder members on approval or renewal of membership (for example, a card or letter indicating breeder member status)		
<i>Attach</i>	<input type="checkbox"/>	<input type="checkbox"/>
13. Number of breeder members with current valid membership and number of non-breeder members with current valid membership		
	<input type="checkbox"/>	<input type="checkbox"/>
14. Details of services provided to breeder members, other members and to the general public (if applicable)		
<i>Attach</i>	<input type="checkbox"/>	<input type="checkbox"/>

Supporting information to be provided (continued)

15. Other organisations with which your organisation is affiliated. Please list (if any)	<i>Applicant use</i>	<i>Office use</i>
	<input type="checkbox"/>	<input type="checkbox"/>
16. Has your organisation or any of its directors, officers or staff ever been convicted of an offence under any of the following Acts or their equivalent in other jurisdictions? Please cross out YES or NO as appropriate		
<i>Animal Research Act 1985 (NSW)</i> <i>Companion Animals Act 1998 (NSW)</i> <i>Exhibited Animals Protection Act 1986 (NSW)</i> <i>National Parks and Wildlife Act 1974 (NSW)</i> <i>Non-Indigenous Animals Act 1987 (NSW)</i> <i>Prevention of Cruelty to Animals Act 1979 (NSW)</i> <i>Any equivalent Commonwealth, State or Territory or other country's legislation</i> <i>An offence committed in New South Wales for which the penalty is imprisonment for two or more years or any equivalent offence committed outside New South Wales</i>	YES / NO YES / NO	
If you answered YES to any of the above, please provide full details, including the nature of the offence, the penalty imposed and the date of the conviction		
<i>Attach</i>	<input type="checkbox"/>	<input type="checkbox"/>

Declaration

This declaration must be signed by the organisation's authorised representative after reading and ensuring compliance with all conditions for approval set out in the Guidelines for Approval as a Recognised Breeder Body under Clause 3(1) of the Companion Animals Regulation 2008. The signed and dated declaration must be returned with the completed application form and attachments.

Declaration	
I have read and understood the conditions for approval as a recognised breeder body under clause 3(1) of the Companion Animals Regulation 2008 set out in the <i>Guidelines for Approval as a Recognised Breeder Body under Clause 3(1) of the Companion Animals Regulation 2008.</i>	
I agree that our organisation will comply with the conditions for approval set out in the clause 3(1) Approval Guidelines. I understand that failure to comply with any of the approval conditions may result in the approval being revoked.	
I confirm that the information provided on, and in attachments to, this form is accurate. I undertake to advise the Division of Local Government of any change to the information provided in the application within 14 days of the change, both during the application process and the approval period.	
Full name:	
Signed:	Date:

The information provided on, and in attachments to the application form will be held by the Division of Local Government. It will be used to assess the suitability of your organisation for approval as a recognised breeder body under clause 3(1) of the Companion Animals Regulation 2008. You have the right to request in writing access to information held about your organisation and, where appropriate, the correction of any details.