



Office of  
Local Government

Companion Animals Act 1998  
and  
Companion Animals Regulation 2018

**GUIDELINES FOR DESIGNATION AS A  
RECOGNISED BREEDERS'  
ORGANISATION**



**FEBRUARY 2024**

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## 1 Definitions

Unless the context otherwise requires, words and terms used in these guidelines have the same meaning as given to them in sections 5 and 78 of the *Companion Animals Act 1998* and clause 3 of the *Companion Animals Regulations 2018*. The definitions below supplement those statutory definitions.

CA Act	means the <i>Companion Animals Act 1998</i>
CA Regulation	means the <i>Companion Animals Regulation 2018</i>
company	means a company established under the <i>Corporations Act 2001</i> (Cth)
Code of Practice	means the <i>Animal Welfare Code of Practice Breeding Dogs and Cats</i> published by the NSW Department of Primary Industries in August 2009 as amended from time to time or any code of practice published in substitution
Departmental Chief Executive	means the Deputy Secretary Office of Local Government
incorporated association	means an incorporated association registered in accordance with the <i>NSW Associations Incorporation Act 2009</i>
OLG	means the Office of Local Government, Department of Planning, Housing and Infrastructure
Organisation	means the Registered Breeders' Organisation
POCTA Act	means the <i>Prevention of Cruelty to Animals Act 1979</i>
POCTA Regulation	means the <i>Prevention of Cruelty to Animals Regulation 2012</i>

## 2 Purpose of these guidelines

These guidelines have been issued by the Departmental Chief Executive. They set out the requirements that an organisation must meet in order to be designated and to maintain designation as a “recognised breeders’ organisation” for the purposes of the CA Act and the CA Regulation.

They also provide information for organisations about making an application for designation, including the form on which applications must be made (Appendix 1). A PDF and MS word version of the application form is available on the OLG website.

Designation as a recognised breeders’ organisation authorises the organisation to allocate a breeder identification number to its breeder members. These numbers are issued for the purpose of:

- registering a companion animal
- enabling searches to be made about companion animals that have been bred by a particular breeder, and
- for advertising companion animals for sale or giving away.

Additionally, certain persons who are members of a recognised breeders organisation are exempt from certain requirements of the CA Act and the CA Regulation in relation to the keeping of a companion animal, so long as the animal is being kept for breeding purposes. Those requirements are:

- to pay the prescribed additional fee when registering a dog that has not been desexed before reaching 6 months of age
- to hold an annual permit for a cat that is not desexed.

### 3 Legislative context

The CA Act and CA Regulation set out requirements for the care and management of companion animals.

Section 78 of the CA Act defines a “*recognised breeders’ organisation*” as meaning any of the following organisations:

- a. the Royal New South Wales Canine Council Limited (trading as Dogs New South Wales)
- b. the New South Wales Cat Fancier’s Association Inc
- c. Australian National Cats Incorporated
- d. Any other organisation designated by the Departmental Chief Executive for the purposes of this definition by order published in the Gazette.

#### Breeder identification number

Section 78 of the CA Act also authorises a designated recognised breeders’ organisation to issue a member of that organisation with a “*breeder identification number*”. Section 80 of the CA Act provides that a breeder identification number is information that is required to be entered on the Companion Animals Register at the time a companion animal is registered.

#### Advertising an animal for sale or to give away

When a companion animal is advertised for sale or to give away, section 23A(1) of the *Prevention of Cruelty to Animals Act 1979* (POCTA Act) stipulates that the advertisement must contain certain identification information in relation to the animal. Giving the breeder identification number of the person advertising the animal is one means of complying with this requirement.

#### Exemption

The CA Regulation provides for the compulsory registration of companion animals. The CA Regulation provides two exemptions in relation to the keeping of a companion animal for breeding purposes. These exemptions are only available to a person who is a “*recognised breeder*”. Clause 3(1) of the CA Regulation defines a “*recognised breeder*” in relation to a species of companion animal as a person who is a member of a recognised breeders’ organisation for that species of companion animal.

An entire cat kept by a recognised breeder for breeding purposes is not required to hold an annual permit (cl.27A CA Regulation), a requirement which applies to any other person who owns a cat of an age of four months unless the cat has been desexed (s.11B CA Act).

A dog kept by a recognised breeder that has not been desexed for breeding purposes is exempt from paying the additional registration fee for a dog that has not been desexed before reaching the age of 6 months (cl.18(1)(b)).

The information that is required to claim such a concession and the manner in which the claim must be made is set out in **Appendix 2** to these guidelines.

It should be noted that where either concession has been granted and the animal later ceases to be kept for breeding purposes but has not been desexed, the following will apply:

- a. in the case of a cat, the owner must be the holder of an annual permit for the cat (section 11B of the CA Act); and
- b. in the case of a dog, its registration is cancelled and the additional fee must be paid for the registration to be reinstated (clause 19 of the CA Regulation).

### 4 Requirements for designation as a recognised breeders’ organisation

An organisation applying for designation as a recognised breeders’ organisation under section 78 of the CA Act must meet all of the requirements listed below.

#### **4.1 Status of organisation**

The organisation must be either:

- registered as a company by the Australian Securities and Investments Commission; or
- registered as an incorporated association on the NSW Incorporated Associations register maintained by NSW Fair Trading.

#### **4.2 Profile of organisation**

The organisation must:

- have been operating for a minimum of three years since its registration as a company or as an incorporated association; and
- have current members that breed dogs and/or cats; and
- provide services to its 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), documentation required to claim a registration or permit exemption and advocacy.

#### **4.3 Compliance with relevant State legislation**

The organisation must require its members to be familiar with and to observe all relevant New South Wales State legislation, including-

- the Companion Animals Act 1998,
- the Companion Animals Regulation 2018,
- the Prevention of Cruelty to Animals Act 1979, and
- the Prevention of Cruelty to Animals Regulation 2012.

#### **4.4 Compliance with the Animal Welfare Code of Practice - Breeding dogs and cats**

The *Animal Welfare Code of Practice - Breeding dogs and cats* (the Code) is prescribed under the *Prevention of Cruelty to Animals Regulation 2012*, which is overseen by the Department of Primary Industries. The Code contains both Standards and Guidelines for the care of dogs or cats for breeding. Failure to meet a standard may result in a Penalty Infringement Notice or prosecution.

The organisation must require its members to operate in accordance with the enforceable provisions (Standards) for the care and management of animals in their care set out in the Code of Practice. The Standards describe the mandatory specific actions needed to achieve acceptable animal welfare levels. They are the minimum standards that must be met under law. The Code of Practice is recognised in Schedule 1 (Animal trades and relevant Codes of Practice and Standards) to the *Prevention of Cruelty to Animals Regulation 2012*.

The organisation may also require its members to operate in accordance with the non-enforceable provisions (Guidelines) for the care and management of animals in their care set out in the Code of Practice. The non-enforceable Guidelines 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 of Practice. Failure to do so may result in the organisation's designation being revoked.

The Code of Practice can be found on the website of the NSW Department of Primary Industries at [www.dpi.nsw.gov.au](http://www.dpi.nsw.gov.au) .

### **5 Limitations on use of designation**

Designation as a recognised breeders' organisation under section 78 of the CA Act is not an endorsement of the organisation by the Departmental Chief Executive or OLG. The designation

may not be used to promote the organisation or to verify its credentials or those of its members. Designation under section 78 is to be used solely for the purpose for which it has been granted.

If a recognised breeders' organisation uses its designation for such purposes, it is liable to have its designation revoked.

## **6 Designation is not transferrable**

Designation as a recognised breeders' organisation is not transferrable by the organisation to any other party. This means that it must not be used by any other organisation, other than the designated organisation itself.

If a recognised breeders' organisation allows any other organisation to use its designation it is liable to have the designation revoked.

## **7 Term of designation**

Designation is generally granted for a term of five years. Before the expiry of the term, a recognised breeders' organisation wishing to retain its designation must reapply for a new designation. To reapply, the organisation must submit a fresh application for designation to the OLG in accordance with these guidelines (see 9 below)

It is the responsibility of an organisation itself to ensure that while it wishes its members to qualify as recognised breeders for the purposes of the Regulation, that it is currently designated as a recognised breeders' organisation the CA Act.

## **8 Record keeping and reporting**

### **8.1 Annual reporting obligations of a designated recognised breeders' organisation**

A designated recognised breeders' organisation must report annually to the Office of Local Government (OLG) on their activities and membership during each financial year (from 1 July to the following 30 June) in order to retain their designation. A form will be emailed each year for completion and submission to OLG by 30 October. Failure to submit an annual report by this time may result in the organisation's designation being revoked.

Information to be reported on can be found at **Appendix 3**. The information contained in the annual report must be accurate, verifiable and signed and dated by a duly authorised officer of the organisation. If the organisation is a company, the form must be signed and dated by a director, the secretary or other officer of the company who is authorised to do so. If the organisation is an incorporated association, the form must be signed and dated by the association's public officer.

### **8.2 Information a designated recognised breeders' organisation must keep**

The following information is the minimum information required to be kept by a designated recognised breeders' organisation:

- a register of each current breeder member and a register of each current non-breeder member which records-
- their full name and current residential address,
- their allocated breeder identification number, where applicable.

A designated recognised breeders' organisation shall provide the OLG with this information. Failure to keep and maintain accurate records may result in the organisation's designation being revoked.

### **8.3 Other matters designated recognised breeders' organisation must report on**

In addition to the reporting obligation specified in clause 10.5 below, a designated recognised breeders' organisation must notify the OLG in writing within 14 days of becoming aware of any of

its members having been convicted of an offence of the type referred to in section 19 of the application form in **Appendix 1**.

Failure to notify the OLG of any such changes may result in the organisation's designation being revoked.

A designated recognised breeders' organisation should also advise the OLG in writing if it ceases operation.

## **9 Possible consequences of non-compliance**

Failure to comply with any of the requirements for designation as a recognised breeders' organisation under section 78 of the CA Act or these guidelines may result in the withdrawal of the designation.

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

## **10 Applications for designation as a recognised breeders' organisation**

### **10.1 Making an application for designation**

Applications for designation as a recognised breeders' organisation must be made on the application form in **Appendix 1** to these guidelines. The form must be accompanied by evidence that the organisation meets the requirements for designation specified in these guidelines. The form specifies what is required in this regard. All information sought in the form must be provided.

The application form must be signed and dated by a duly authorised officer of the organisation. If the organisation is a company, the form must be signed and dated by a director, the secretary or other officer of the company who is authorised to do so. If the organisation is an incorporated association, the form must be signed and dated by the association's public officer.

Applications for the renewal of an existing designation must also be made on this form.

Applications must be sent to:

The Chief Executive  
Office of Local Government  
Locked Bag 3015  
NOWRA NSW 2541  
or by email: [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au)

### **10.2 Applications for renewal of designation**

Designation as a recognised breeders' organisation is granted for a specified period of time. Once that time expires the designation lapses and the benefits of designation cease.

Consequently, it is important that a recognised breeders' organisation that wishes to retain its designation reapply for a further designation at least 3 months before the expiry of its current designation.

### **10.3 Notifying organisations of the outcome of their application**

Organisations applying for designation will be notified in writing of the outcome of their application.

Designations are made by way of an order published in the NSW Government Gazette.

### **10.4 Handling of information provided in the application**

Where personal information is provided in an organisation's application, it 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*.

Despite this, each application must contain the name of a contact person for the organisation, their position in the organisation, their email address and telephone number. This information is sought for the purpose of entering it on a register of organisations designated as recognised breeders' organisations and which appears on the website of the OLG. The purpose of the register is to inform members of the public which organisations have been designated as recognised breeders' organisations and to provide them with contact details for those organisations.

### **10.5 Changes to information provided in an application must be notified**

An organisation that has applied for or which has been granted designation as a recognised breeders' organisation under section 78 of the CA Act must notify the OLG of any changes to the information provided in its application within 14 days of the change occurring. Failure to notify such changes within this timeframe may invalidate the application or result in the revocation of designation.

## **11 Further information**

Questions about the requirements for designation or the application process should be directed to the Office of Local Government by email at [pets.olg.nsw.gov.au](mailto:pets.olg.nsw.gov.au) or by telephone on (02) 44284100.

For further information on companion animals, visit the Office's website at: [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au)

**First issued:** April 2011

**Updated:** February 2024

## Appendix 1 - Application for Designation as a Recognised Breeders' Organisation under section 78 of the *Companion Animals Act 1998*

**Instructions:** Please tick box to indicate insertion or attachment of required information

### Organisation information

1. Name of organisation seeking designation (as it will appear in the NSW Government Gazette if your application is successful)	Applicant use	Office use
	<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. Registered address of organisation if it is a company or official address if it is an incorporated association (Must be a physical address)		
	<input type="checkbox"/>	<input type="checkbox"/>
4. Address of principal place of business of organisation (Must be a physical address)		
	<input type="checkbox"/>	<input type="checkbox"/>
5. Email address of organisation		
	<input type="checkbox"/>	<input type="checkbox"/>
6. Name of contact person for entry on public register (This information and the information referred to in sections 7, 8 & 9 below will be published on the register of designated recognised breeders' organisations on the OLG website as a means for members of the public to contact the organisation.)		
	<input type="checkbox"/>	<input type="checkbox"/>
7. Position of contact person in organisation		
	<input type="checkbox"/>	<input type="checkbox"/>
8. Telephone number for contact person (business hours)		
	<input type="checkbox"/>	<input type="checkbox"/>
9. Email address for contact person		
	<input type="checkbox"/>	<input type="checkbox"/>

## Supporting information to be provided

	Applicant use	Office use
10. Address of contact person given in 6 above (This must be a residential address, not a PO Box number. It will not be published on the OLG website)	<input type="checkbox"/>	<input type="checkbox"/>
11. Organisation's history (for example, circumstances leading to its establishment, establishment date, significant achievements to date)		
<i>Attach</i>	<input type="checkbox"/>	<input type="checkbox"/>
12. 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"/>
13. Copy of the organisation's code of practice relating to the breeding of cats or dogs, with which breeder members must comply		
<i>Attach</i>	<input type="checkbox"/>	<input type="checkbox"/>
14. Copies of the organisation's policy and procedures for monitoring and enforcing breeder members' compliance with its code of practice, and for managing complaints		
<i>Attach</i>	<input type="checkbox"/>	<input type="checkbox"/>
15. 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"/>
16. Number of breeder members with current valid membership and number of non-breeder members with current valid membership		
	<input type="checkbox"/>	<input type="checkbox"/>
17. 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"/>
18. Other organisations with which your organisation is affiliated. Please list (if any)	<input type="checkbox"/>	<input type="checkbox"/>

19. Has your organisation or any of its directors, officers or staff ever been convicted of an offence under any of the following legislation or their equivalent in other jurisdictions?	Circle YES or NO	Office use
<i>Animal Research Act 1985 (NSW)</i>	YES / NO	<input type="checkbox"/>
<i>Biosecurity Act 2015 (NSW)</i>	YES / NO	<input type="checkbox"/>
<i>Companion Animals Act 1998 (NSW)</i>	YES / NO	<input type="checkbox"/>
<i>Exhibited Animals Protection Act 1986 (NSW)</i>	YES / NO	<input type="checkbox"/>
<i>National Parks and Wildlife Act 1974 (NSW)</i>	YES / NO	<input type="checkbox"/>
<i>Non-Indigenous Animals Act 1987 (NSW)</i>	YES / NO	<input type="checkbox"/>
<i>Prevention of Cruelty to Animals Act 1979 (NSW)</i>	YES / NO	<input type="checkbox"/>
<i>Prevention of Cruelty to Animals (General) Regulations 2006 (NSW)</i>	YES / NO	<input type="checkbox"/>
<i>Prevention of Cruelty to Animals Regulations 2012 (NSW)</i>	YES / NO	<input type="checkbox"/>
Any equivalent Commonwealth, State or Territory or other country's legislation	YES / NO	<input type="checkbox"/>
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	YES / NO	<input type="checkbox"/>
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. Please indicate below if you have also provided an attachment.		
Details:		<input type="checkbox"/>

The information provided in and with this application will be held by the Office of Local Government. It will be used to assess the suitability of the organisation for designation as a recognised breeders' organisation under section 78 of the *Companion Animals Act 1998*. You have the right to request in writing access to information held about your organisation and, where appropriate, the correction of any details.

The statutory declaration below must be made by the organisation's authorised representative after reading and ensuring compliance with all requirements for designation set out in the Guidelines for Approval as a Recognised Breeders' Organisation under section 78 of the *Companion Animals Act 1998*. Once signed and dated, this declaration must be returned with the completed application form and attachments.

## Statutory Declaration

### OATHS ACT 1900, NSW

I, ....., do solemnly and sincerely declare  
*[full name of declarant]*

that

1. I am ..... of .....  
*[position in organisation]* *[name of organisation]*
  2. I have read and understood the requirements for designation as a recognised breeders' organisation under section 78 of the *Companion Animals Act 1998* set out in the *Guidelines for Designation as a Recognised Breeders' Organisation*,
  3. I confirm that the organisation complies with and will continue to comply with the requirements for designation set out in the Guidelines,
  4. I understand that failure to comply with any of the requirements may result in the designation being revoked,
  5. I declare that the information provided on, and in attachments to, this form is accurate,
  6. I undertake to advise the Office 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 during the currency of the designation
- and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the *Oaths Act 1900*.

Declared at: ..... on .....  
*[place]* *[date]*

.....  
*[Signature of declarant]*

in the presence of an authorised witness, who states:

I, ....., a .....  
*[name of authorised witness]* *[qualification of authorised witness]*

certify the following matters concerning the making of this statutory declaration by the person who made it:  
*[\*please cross out any text that does not apply]*

1. \*I saw the face of the person OR \*I did not see the face of the person because the person was wearing a face covering, but I am satisfied that the person had a special justification<sup>1</sup> for not removing the covering, and
2. \*I have known the person for at least 12 months OR \*I have confirmed the person's identity using an identification document and the document I relied on was

.....  
*[describe identification document relied on]*

.....  
*[signature of authorised witness]*

.....  
*[date]*

<sup>1</sup> The only "special justification" for not removing a face covering is a legitimate medical reason (at September 2018)

## Appendix 2 - Information to be provided by a recognised breeder when applying to register a cat or dog kept for breeding purposes

When a member of a designated recognised breeders' organisation (i.e. a recognised breeder) wishes to either-

- register a dog that they are keeping for breeding purposes and in doing so wishes to seek an exemption from the requirement to pay the additional fee for a dog that has not been desexed; or
- claim an exemption from the requirement to have an annual permit for a cat which is not desexed and which they are keeping for breeding purposes-

they must attend in person at their local council office and provide the relevant council staff with:

1. proof of their identification (such as a driver's licence or passport),
2. proof of their current membership as a breeder member of a designated recognised breeders' organisation as defined in section 78 of the Act,
3. documentation verifying that the cat or dog is of a breed accepted by the recognised breeder's organisation of which they are a member, and
4. a signed statement that the cat or dog as the case may be is being kept for breeding purposes.

If the required documentation is not produced to the satisfaction of council staff, then in the case of a dog, the additional fee for the registration of a non desexed dog must be paid, and in the case of a cat, an annual permit is required to keep the cat once it reaches 4 months of age.

A current list of designated recognised breeders' organisations can be found on the website of the Office of Local Government at [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au) .

**Note:** Where either concession has been granted and the animal later ceases to be kept for breeding purposes and is not desexed, the following applies:

1. In the case of a cat, the owner must be the holder of an annual permit for the cat.
2. In the case of a dog, its registration is cancelled and the additional fee must be paid for the registration to be reinstated.

## Appendix 3 – Annual reporting

### Reporting requirements

Record keeping and reporting requirements of a designated Recognised Breeders' Organisation are outlined in section 8 of these Guidelines.

Recognised Breeder Organisations are responsible for ensuring that members operate in accordance with *Animal Welfare Code of Practice - Breeding dogs and cats*, prescribed under the *Prevention of Cruelty to Animals Act 1979* (POCTA Act). Failure to do so may result in the organisation's designation being revoked.

If deemed necessary by the Chief Executive Office of Local Government, POCTA Act enforcement agencies and/or the Department of Primary Industries may be contacted about information reported on.

### Process for reporting

An email from OLG will be sent to designated recognised breeders' organisations each year with a link to an excel spreadsheet containing reporting fields. This spreadsheet is to be completed and returned to the email address provided by 30 October of each year.

### What is to be reported on

The following information is required to be reported on annually.

#### *Designated Recognised Breeders' Organisation information*

- Date of designation
- Number of registered breeding members
- Declaration of providing services listed in 4.2 of these Guidelines
- Declaration that members are required to operate under the mandatory *Animal Welfare Code of Practice - Breeding dogs and cats* Standards
- Confirmation of if members are required to operate under the best practice *Animal Welfare Code of Practice - Breeding dogs and cats* Guidelines
- Notifications to OLG of any of members having been convicted of an offence

#### *Breeder Member information*

- Name of member
- Trading name
- Member Number
- Breeder Identification Number (from NSW Pet Registry)
- Total number of breeding animals
- Number of breeding animals in a guardianship or foster program.

### Compliance checks

Compliance with submitting an annual report and meeting obligations of a designated Recognised Breeders' Organisation under the Guidelines will be reviewed. Additional checks may be undertaken by OLG to ensure the data accuracy.