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DOGS NSW

REGULATIONS PART XIII

Code of Ethics

Introduction

The Code of Ethics are intended to be a set of rules that are considered central to achieving the objects of the Corporation the breach of which are in theory actionable as misconduct.

The principle objects of the Corporation are set out in paragraph three (3) of the Memorandum of Association and they are as follows:

- To promote and raise the standards of breeding pure breed dogs;
- To promote and encourage the breeding of pure breed dogs;
- To promote and encourage the holding and conduct of canine, exhibitions and shows, competitive trials and dog sports.
- To educate the members of the Rural NSW Canine Council (Dogs NSW) and the general public in relation to all aspects all pure breed dogs;
- To promote and assist and to make contributions to canine veterinary research and to create scholarships and fellowships.

The Corporation has determined eighteen (18) rules constituting the Code of Ethics as being essential conduct fulfilling the five objects of the corporation.

The Code of Ethics Rules has frequently changed there being some twenty amendments to the Code in the period 1995 to June 2015.

Regulations

Part XIII – Code of Ethics

There are twenty six (26) separate rules within the Code of Ethics can be broken down as follows: (where applicable comment is made as to the import and effect of the regulations.)

Care of Dogs

- 1 A Member shall, at all times, ensure that all dogs under that Member's control are properly housed, fed, watered, exercised and receive proper veterinary attention, as and when required.

Inspection of Premises

- 1A. A Member shall permit any person authorised in writing by the Dogs NSW Secretary, pursuant to a resolution of the Board of Directors, to enter and inspect any premises owned or occupied by the member for the purpose of investigating compliance with Regulation 1 of this Code and during the conduct of the inspection the Member will permit the authorised person to record any necessary details by tape, video or photographs.

Control of Dogs

- 2 A Member shall not allow any dogs which are registered in that Member's name, to roam at large and when away from home, must ensure that they are kept fully leashed or under effective control at all times. **(8/05)**

Delegation of Control of Dogs

- 2A. A Member who is required to leave a dog in the care of another person for any period of time must ensure that the other person is made aware of the requirement to ensure that the dog is to be kept fully leashed or under effective control, at all times. **(8/05)**

Breeding of Dogs

- 3 A Member shall breed only with the intent of maintaining and/or improving the standard of the Breed and the health, welfare and soundness of their dogs having regard to the following:-
- (i) that the health, physical welfare and fitness for function of dogs is of prime importance, and
 - (ii) that a Member shall make every reasonable effort to ensure that dogs bred by them do not suffer from any disorder that impedes their sight, breathing or ability to move freely or which is otherwise detrimental to their comfort and wellbeing. **(12/08)**

Hereditary Diseases

- 3A. Members, who are breeders, shall strive to eliminate hereditary diseases within their dogs and their breed. **(12/08)**

Restriction on the Breeding of a Bitch

- 4 A bitch shall not be bred from unless it is in good health and has reached adequate maturity and, in any case, no matings shall be permitted before the age of 18 months for bitches of Breeds specified in the Schedule of Adequate Maturity for Giant Breeds below or before the age of 12 months for any other bitch. Any litter resulting from the mating of a bitch under the minimum specified age at the time of mating is only eligible to be registered on the Limited Register and flagged "not to be upgraded to the Main Register". **(11/08), (2/11)**

Schedule of Adequate Maturity for Giant Breeds

Alaskan Malamute	Mastiff
Bloodhound	Neapolitan Mastiff
Bullmastiff	
Cane Corso (11/13)	Newfoundland
Deerhound	Pyrenean Mountain Dog
Dogue de Bordeaux	Rottweiler
German Shepherd Dogs	Schnauzer (Giant)
Great Dane	St Bernard
Irish Wolfhound	Tibetan Mastiff

(Submissions for any additions to the above classifications must be in writing to

the Secretary Dogs NSW and will be considered by the Board of Directors, after referral to the Ethics & Welfare Working Party, on their individual merit.) **(02/11)**

Whelping Frequency

- 4A. A Member shall not breed a bitch causing it to whelp more than twice in eighteen months without the prior approval of the Board of Directors except under extenuating circumstances where application for registration of the litter may be considered by the Board of Directors. **(11/08)**
- 4B. A Member shall not breed a bitch causing it to whelp more than twice in two years without the prior written approval of a Veterinary Surgeon certifying her fitness to carry and whelp the third litter. **(11/11)**
- 4C. A Member shall not breed a bitch causing it to whelp more than six times without prior veterinary certification of fitness for further breeding and without prior approval of the Board of Directors except under extenuating circumstances where application for registration of the litter may be considered by the Board of Directors. **(11/08), (11/11)**

Inbreeding

- 4D. 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 on the Main Register, without first having gained approval for the mating

from the Board of Directors, for scientifically proven welfare or veterinary reasons.

Cross Breeding

5(a) A Member shall not knowingly permit any of that Member's pure bred dogs to be mated to a dog of a different breed, to a cross-bred dog, or to any unregistered dog of the same breed or to a dog not on the Main Register unless:-

- i) such mating is for the health, welfare and/or the development of a breed or an aspect thereof; and
- ii) The member has obtained the prior approval of the Board of Directors.

The prohibition against crossbreeding contained in this clause shall not apply to guide and working dogs. **(12/08)**

5(b) A Member shall not knowingly permit the mating of any dog or bitch which is not registered on the Main Register of ANKC Ltd or with an organisation on the listing of ANKC Ltd Recognised Working Dog Associations /Kindred Bodies as being eligible for registration on the Sporting Register. **(07/13)**

Age Restriction on Puppy Sale/Transfer

6 A Member shall not sell or otherwise transfer from that Member's care any puppy under eight (8) weeks of age. Puppies must be micro chipped and vaccinated prior to leaving that Member's care.

Consumer Responsibility of Breeder on Transfers

- 7 A Member shall ensure that all persons acquiring dogs from that Member clearly understands their responsibility for the care and welfare of the animal and that they have the time and facilities (ie adequate fences, sufficient room and proper shelter etc) to perform their obligations.
- 8 A Member shall provide to all purchasers of dogs sold or placed by that Member, written details of all dietary and immunisation requirements and/or appropriate publications relating to such requirements and responsible dog ownership.
- 9 A Member shall not:
- (a) sell any dog to commercial dog wholesalers or retail pet dealers. **(07/14)**
 - (b) allow a dog owned by that member to be given as a prize or donation in a contest of any kind. **(10/03)**
 - (c) offer a dog for sale by auction through any form of media. **(08/03)**
- 10 A Member shall not KNOWINGLY misrepresent the characteristics of the breed.
- 11 A member shall ensure that within 28 days of the date of sale or transfer of a dog to another person that documents, as required by the Dogs NSW Regulations Part 1, are provided to the new owner of the dog.
- 12 Upon the sale of a dog a Member shall supply the new owner with a current vaccination certificate signed by a Veterinary Surgeon evidencing that the dog has been immunised against Canine Distemper, Hepatitis and Parvo Virus.

- 13 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. **(08/11)**

Deemed Misconduct

- 14 Noncompliance with Regulations 1 or 1A of this Code is deemed to be misconduct.

Registration of Offspring

- 15 All members must register all litters bred by them, either alone or jointly with another. Registration of a litter must be effected within 18 months of the date of whelping. For the purposes of this clause "litter" includes all puppies there from living at the date of registration of the litter. A member shall register all puppies in a litter at the same time and on one form of application for Registration of Litter. **(4/03)**

Portrayal of Breeds in Media

- 16 A member who provides or makes available a dog for use in a film, advertisement, promotion, any media or public display must use reasonable care to ensure that:
- (a) the dog is portrayed in a fashion consistent with its breed characteristics and temperament as described in the Standard for the breed and

- (b) the dog is presented in a fashion 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 the breed (as appropriate) in a balanced fashion. **(10/97)**

Export

- 17 Puppies can be exported at an age that is permitted under the relevant livestock import regulations of the country to which they are being imported but under no circumstances are weaned puppies younger than the age of twelve (12) weeks to be exported. **(07/05)**

Pledge of Commitment to Law

- 18 A Member commits to compliance with both the *Prevention of Cruelty to Animals Act* 1979 and the *Companion Animals Act* 1998 and their related Regulations as well as to the NSW Animal Welfare Code of Practice - Breeding Dogs and Cats. **(03/11), (04/11)**

Advertising Puppies for Sale

- 19 Consistently with the concern had by various entities including Dogs NSW paragraph 15 of the Code of Conduct mandates that a Member shall include their Dogs NSW Membership

number in an advertisement placed in any form of media or on a sign of whatsoever nature which advertises a dog or puppy for sale whether for payment or not. The required disclosure must be in the form "Dogs NSW Member No". **(04/14)** The Membership number must be inserted after the statement that the advertiser is a Dogs NSW member.

Material Information To Be Provided To Purchasers Of Pups And/Or Dogs

20 Attention is drawn to paragraphs 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25 all of which deal with the required conduct of members in relation to transactions involving puppies and/or dogs. The requirements which form a significant portion of the ethical requirements reflect the importance that is placed upon the contact had between members and those persons dealing with Members in relation to the sale and alike of puppies and/or dogs. Members should familiarise themselves with these requirements and particular attention is drawn to Members attention of the provision of vaccination certificates (22), health of the animal the subject of sale and alike (23), and provision of transfer documentation as required by Dogs NSW Regulations Part 1(21).

Export of Puppies

- 21 Regulation 24 has been added to the Code of Ethics which mandates that under no circumstance can weaned puppies under the age of 12 weeks be exported and only then in the circumstance where the exported puppies have received at least 2 core vaccines at least 4 weeks apart. This obligation is not an obligation that is in any way connected with the requirements of either AQIS in Australia nor the relevant Livestock Import Regulations of the country to which the animals are being imported but is an overriding obligation upon members to satisfy and responsibility cannot be avoided by reliance upon Rules or Regulations either imposed in Australia or overseas. That is, even if only 1 vaccination is required by the country to which the animal is being exported a member exporting an animal must satisfy the requirement of the 2 core vaccines at least 4 weeks apart and the animal is older than 12 weeks at the time of export. **(06/15)**

General

Rules 1, 2, 2A and 18 are of a general nature and with the exception of number 18 are actionable as misconduct.

Rules 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, and 17 are in relation to the breeding of dogs and the extent to which the burden of testing for genetic disorders is undertaken depends upon the breed in which the member is involved. Generally each representative breed club determines the genetic disorders which of are concern to the particular breed and that ought to be the subject of consideration and testing.

Breed Clubs

The importance of breed clubs is reflected by the comprehensive set of regulations under Part X of the regulations together with the recognition by the Australian National Kennel Council of National Breed Councils. It is recommended that members who wish to breed becomes a member of a Breed Club so that they are aware of current breed issues.

Large portions of the Code of Ethics deal with the breeding of dogs as a reflection of the fact that the first and second of the principle objects of the New South Canine Council (Dogs NSW) deal with the breeding of pure breed dogs. The amendments to the Code of Ethics that have occurred in the period February 2000 to June 2015 to a large extent reflect the increasing scrutiny on the breeding of pure breed dogs by government, the media and welfare groups. So that Dogs NSW may self-regulate its members in relation to Breeding

of Dogs the Regulations and Code of Ethics must reflect the changing attitudes of society to the breeding of pure breed dogs.

Clause four (4) of the Code of Ethics contains a pledge by members that they would adhere to the law in relation to cruelty as contained within the *Prevention of Cruelty to Animal Act 1979* and the *Companion Animals Act 1998* including the related regulations of those Acts together with the NSW Animals Welfare Code of Practice Breeding Dogs and Cats. This pledge does not elevate clause 18 to being a mandatory requirement for compliance. Whilst all members in their capacity as members of the public are required to adhere to the law but a breach of that law in the absence of a finding by Court of competent jurisdiction does not allow the Corporation to take steps and action against misconduct unless those breaches are a breach of either the Code of Ethics or of the Regulations. The breach of the Animal Code of Practice for the breeding of Dogs and Cats can result in criminal action by the NSW Police, RSPCA, or animal welfare league does not allow Dogs NSW to take action for breach of that Code unless the breach is a breach of Part XIV of the Regulations. Part XIV of the Regulations was intended to be a code for the breeding of dogs binding members.

A comparison of Part XIV of the Regulations discloses a narrower compass than the Animal Code of Practice for the breeding of dogs and cats.

It is also to be noted that there is some significant overlap between the Code of Ethics and Part XIV of the Regulations. Critically clause 1.4 of Part XIV of the Regulations significantly limits the application of Part XIV of the Regulations as a basis for disciplinary action. The

effect of this limitation allows Dogs NSW to give warnings to its members in relation to conduct in breach of Part XIV of the Regulations without there being an automatic opportunity for action to be taken as misconduct. Flagrant and repeated noncompliance with Part XIV of the regulations can result in disciplinary action.

Breach of the Code of Ethics on the other hand does give rise to the immediate possibility of disciplinary proceedings in the face of a breach. In practice this does not always occur but nevertheless the Code of Ethics is the bare minimum of conduct that a member should adhere to. For this reason the Code of Ethics should be read, understood and complied with.