

#### 4. THE DOG CONTROL AMENDMENT ACT 2003 - KEY PROVISIONS

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The purpose of this report is to advise the Committee that the Dog Control Amendment Act has now been passed.

Local Government New Zealand has forwarded the following summary of the key provisions:

##### COMMENCEMENT

- On 1 December 2003, the Amendment Act will come into force, with the exception of:
  - (i) The provisions relating to the requirement to keep a dog under control or confined when on its owner's property (in force 1 June 2004).
  - (ii) Provisions relating to microchipping (1 July 2006).
  - (iii) The requirement for councils to participate in a national dog control database (to come into force by Order in Council).

##### PROVISIONS COMING INTO FORCE ON 1 DECEMBER 2003

- It will be unlawful to import any of the following breeds/types of dog (either live or semen, ova, or embryo):
  - American Pit Bull Terrier,
  - Dogo Argentino,
  - Brazilian Fila,
  - Japanese Tosa.

This list may be added to by Order in Council agreed to by Parliament.

The dogs listed above are currently banned from importation by the Customs Import Prohibition (Dangerous Breeds of Dogs) Order 2003. The Amendment Act will revoke the Order.

- A new category of 'menacing dog' is created. If a council considers that a dog poses a threat to any person, stock, poultry, domestic animal, or protected wildlife because of:
  - Any observed or reported behaviour of the dog; or
  - Any characteristics typically associated with the dog's breed or type;

the council may declare the dog to be a menacing dog.

- If a council has reasonable grounds to believe that a dog belongs wholly or predominately to one of the four breeds/types listed above it must classify the dog as menacing.
- Menacing dogs must be muzzled when in public and may be required by the council to be neutered.
- Councils may now disqualify someone from owning a dog or declare them to be a probationary owner if they incur more than three infringement offences within two years or are convicted of an offence under the Dog Control Act, Parts 1 and 2 of the Animal Welfare Act 1999, Section 26ZP of the Conservation Act 1987, or Section 56I of the National Parks Act 1980. Currently a person must first be a probationary dog owner before they can be disqualified from owning a dog.
- A council may require probationary owners to undertake a dog education programme and/or a dog obedience course approved by the council.
- The probationary owner surcharge is abolished.
- Those taking dogs out in public will be required to use or carry a leash at all times.

- Dangerous dogs must now be leashed when in public and owners of dangerous and menacing dogs must advise anyone to whom they lend the dog of the requirement that it be muzzled and leashed (in the case of dangerous dogs) when in public.
- Owners whose dogs are required by the courts to be destroyed will now be required to produce a certificate from a vet or dog control officer/ranger that the dog has been destroyed.
- It will now be an offence to attempt to unlawfully release a dog from a pound as well as to be in possession of a dog that has been unlawfully released from a pound.
- Most fines for court-imposed penalties have been increased. The most significant is for owning a dog involved in a serious attack. The penalty has been increased from a maximum of three months imprisonment and/or a fine of up to \$5,000 to three years imprisonment and/or a fine of up to \$20,000. Infringement fees have also increased by varying amounts.
- From 1 June 2004, a dog owner must ensure at all times that, when their dog is on their property, it is either (a) under the direct control of a person, or (b) confined in such a manner that it cannot freely leave the property. If this requirement is not met the dog may be seized.

#### **POWERS OF COUNCILS**

- The powers for dog control officers to seize unregistered dogs, dogs that have attacked or rushed, and dogs not receiving adequate food, water, or shelter have been clarified and in some cases strengthened.
- Dog control officers and rangers can seize a dog on private land where the dog is not constrained or under the control of a person over 16 years, if the dog has been off the property not under control, ie roaming at large.
- Councils will have the power to request information about the name, gender, and description of a dog from its owner.
- Dog rangers can now issue infringement notices.

#### **OBLIGATIONS ON COUNCILS**

- Councils are to report annually on their dog control policies and practices. The report is to contain certain specified information such as the number of dogs registered, the number of dogs declared dangerous, and the number of disqualified owners.
- By 1 September 2004, councils will be required to revise their dog control policies, applying a strengthened criteria which places greater emphasis on public safety.

#### **MICROCHIPPING**

- All dogs first registered on or after 1 July 2006, and all dogs classified as dangerous or menacing since 1 December 2003 will be required to be microchipped. Dangerous and menacing dogs classified before 1 July 2006, will need to be microchipped within two months of that date. Dogs released from pounds after 1 July 2006 will also be required to be microchipped, if impounded for the second time by the territorial authority.
- Territorial authorities will be required to participate in a national dog control database that will contain the records/information specified in sections 30 and 34 of the Dog Control Act. Territorial authorities can be levied to meet the on-going cost of the database.
- Regulations will be made to govern the type of microchip to be used and the procedure for insertion.

A further report will be presented to the Committee's February 2004 meeting on the Revenue and Financing Policy in respect to dog control. That report will include cost implications arising from the Dog Control Amendment Act.

#### **Chairman's**

**Recommendation:** That the information be received.