

## 11. DOG CONTROL AMENDMENT BILL

**Officer responsible**  
Director of Policy

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The purpose of this report is to briefly describe the changes to the Dog Control Act 1996 which have been suggested as reported from the Local Government and Environment Select Committee.

### INTRODUCTION

This Council has made and presented submissions to the Select Committee on what was at the time provisions of the Local Government Law Reform Bill (No 2) and Supplementary Order Paper No 79 covering a review of the dog control legislation. These were introduced following some highly publicised dog attacks throughout the country.

The Select Committee has now considered these matters, along with others made, and has now recommended the Bill be passed with a number of amendments.

### THE DOG CONTROL AMENDMENT BILL

A number of the submissions made by this Council have been supported by the Select Committee and have now been included in the proposed amendments.

They have included a new category of “menacing dogs” which replaces the category previously intended as “potentially dangerous”. This applies to dogs that have not been classified as a dangerous dog under the Act but are considered to pose a threat to people, stock, poultry, domestic animal, or protected wildlife. This requires the dog to be muzzled when in public and the Council may require such dogs to be neutered. The Council must classify as menacing any dog they believe is wholly or predominantly one of the breeds of Brazilian Fila, Dogo Argentino, Japanese Tosa, or American Pit Bull Terrier.

The Select Committee retained the additional factors to be considered in adopting a policy as required under the Act, notably the following:

- (b) *the need to avoid the inherent danger in allowing dogs to have uncontrolled access to public places that are frequented by children, whether or not the children are accompanied by adults; and*
- (c) *the importance of enabling the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs;*

The Select Committee states that the intention was not to require the mandatory leashing of all dogs in public places but to indicate that dogs should be leashed or under control in public areas, particularly those frequented by children and families. They have, however, recommended a new provision requiring owners or persons in possession of a dog to use or carry a leash at all times in a public place.

The proposed fencing requirements, which would have been applied to all dog owners, have been removed by the Select Committee and the requirement for all dogs to be micro chipped has been pulled back to applying to only dangerous and menacing dogs as suggested in this Council's submission.

The provision sought by this Council to permit “dog rangers” to issue infringement notices has been recommended for inclusion in the Act.

A provision allowing dog control officers to enter private property in pursuit of a dog having committed an offence and to seize and impound such a dog has been put forward for the Act.

The increases in penalties proposed, which this Council supported in submissions, have been recommended.

A new section is proposed requiring territorial authorities to report annually on the administration of its dog control policy adopted under section 10 and its dog control practices. This must be made available to the public and must include details of dog registrations, complaints received, infringement notices issued, and prosecutions taken.

There will be a requirement that a territorial authority, before 1 September 2004, must review its policy on dogs to ensure it complies with section 10(4) on and from that date.

#### **CONCLUSIONS**

It is satisfying that a number of this Council's submissions were taken into account by the Select Committee. The proposed changes will be examined for their effects on dog control operations in the city and further reports will be prepared as needed.

#### **Chairman's**

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