

**ENVIRONMENTAL COMMITTEE
SUPPLEMENTARY AGENDA**

**THURSDAY 11 JUNE 1998
AT 4.00 PM**

14. DANGEROUS DOG BREEDS

RR 7906

Officer responsible Team Leader Animal Control	Author Tracey Willams, Technical Assistant
Corporate Plan Output: Dog Control	

The purpose of this report is for the Environmental Committee to consider what action, if any, is required to “Ban or Phase Eliminate” specific breeds of dogs (ie; American Pit Bull Terrier type dogs) otherwise considered a danger to citizens of Christchurch City.

This report should be read in conjunction with the legal opinion submitted by David Rolls, the Council’s Solicitor.

BACKGROUND

In 1996 Christine Fletcher (the then Minister of Local Government) requested a report on “Dangerous Dog Breeds”, this report with recommendations was given to the Ministers Office in July 1997 (copy attached). The recommendations of the working party were to “Phase Eliminate” from New Zealand the American Pit Bull Terrier type dogs by:

- (a) Regulations under Section 78 of the Dog Control Act 1996 which have the effect of imposing on American Pit Bull Terrier type dogs the requirements in Sections 32 and 33 of that Act (ie compulsory neutering, muzzling in public, secure fencing, high registrations fees and regulation of transfer of ownerships), and b) an import prohibition order under Section 54 of the Customs and Excise Act 1996.
- (b) The recommendations in (b) refers to the importation ban on Brazilian Fila, Dogo Argentino, Japanese Tosa, and the further importation of American Pit Bull Terrier type dogs from New Zealand.

Recent discussions with the Minister’s office and Internal Affairs confirms the new Minister of Local Government, Mr Maurice Williamson, is unable to continue with the recommendations of the working party, the Council’s Solicitor’s opinion should clarify the Minister’s position.

Some of the issues in implementing the new regulations to “Ban or Phase Eliminate” specific breeds of dogs are:

- **Breed Identification**

The matter of breed identification has been a common problem throughout the world and the issues of defining whether it is, or isn't, an American Pit Bull Terrier type dog has been debated in America, Britain, Australia and now New Zealand.

The American Pit Bull Terrier breed is not recognised by the New Zealand Kennel Club Association as a breed and it is therefore difficult for any person to identify that dog. The breed has many varying features including size (height and width), colour (which includes white, tan, black and a multitude of other mixes), this of course does not include the current cross breeding of dogs within New Zealand now.

- **Experts to Identify Breed**

There are no experts in New Zealand to identify the American Pit Bull Terrier dog and in fact some Animal Welfare Groups have declared by way of position statements (attached from NZ Veterinary Association and NZ Animal Companion Group) their concerns and disapproval of the proposed legislation and support the contents of the new Dog Control Act 1996.

- **Classifications**

Section 31 of the Dog Control Act 1996:

- (1) The territorial authority shall classify as a dangerous dog—
 - (a) Any dog in respect of which the owner has been convicted of an offence under section 57 (6) of this Act; and
 - (b) Any dog which the territorial authority has, on the basis of sworn evidence attesting to aggressive behaviour by the dog on one or more occasions, reasonable grounds to believe constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife; and
 - (c) Any dog that the owner admits in writing constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife.
- (2) Where any dog is classified as a dangerous dog under subsection (1) of this section, the territorial authority shall immediately give notice in the prescribed form of that classification to the owner.
- (3) **Where any dog is classified as a dangerous dog under subsection (1) (b) of this section, the owner may, within 14 days of the receipt of notice of that classification under subsection (2) of this section, object to the classification in writing to the territorial authority, and shall be entitled to be heard in support of his or her objection.**
- (4) In considering any objection under this section, the territorial authority shall have regard to—
 - (a) The evidence which formed the basis for the original classification; and

- (b) Any steps taken by the owner to prevent any threat to the safety of persons and animals; and
 - (c) The matters advanced in support of the objection; and
 - (d) Any other relevant matters—
 - (e) And may uphold or rescind the classification.
- (5) The territorial authority shall give notice of its decision on any objection, and the reasons for its decision, to the owner as soon as practicable.

Therefore in accordance with Section 31(3) the dog owner who has had their dog classified as dangerous has a right to object to the classification and the Council may hear the objection, which may be an expensive exercise and may use up Council resources.

- **Dog Control Policy Change**

Section 10 Clause 8 of the Dog Control Act 1996 states the territorial authority may, at the time, adopt in accordance with the special consultant process, an amended policy under this section and this section shall apply, with the necessary modifications, to the adoption of that amended policy. This may mean that the dog owners of Christchurch need to be consulted about the new policy change. Attached is a copy of the Kapiti Coast Dog Control Policy and Bylaw for your consideration.

The matter of “Dangerous Dogs” has been draped in speculation, media sensationalism and public opinion without any solid evidence. Most New Zealanders including myself would like to rid the country of the four breeds being identified in the working parties report, the key to this issue is how can this be achieved the most effective way.

Recommendation: That the Environmental Committee establish a working group to thoroughly investigate all matters pertaining to the banning or Phase Eliminating of specific breeds of dogs from Christchurch before any implementation plan was initiated.

Chairman’s

Recommendation: That the above recommendation be adopted.