

From: [Kristy Rusher](#)
To: [REDACTED]
Subject: Response to LGOIMA request
Date: Thursday, 26 January 2017 06:43:04 p.m.
Attachments: [image009.png](#)

Dear Ms Anderson,

Official information request for information about various dog control issues.

I refer to your official information request dated 8 December 2016, for information about dog control issues.

We have decided to grant your request in part, as detailed below. We have also decided to decline part of your request under various sections of the Local Government Official Information and Meetings Act, and the reasons for this are also detailed below.

Request for information about the Dunedin City Council relationship with Dunedin Dog Rescue.

Your request is as follows:

On 14 December 2014 the Otago Daily Times reported the following clauses contained in the Memorandum of Agreement between the Council and DRD:

Responsibility 13: "DRD are not permitted to make statements to the media or any other person about the council without the prior consent of the council."

Responsibility 14: "The council may terminate this agreement immediately and without prior written notice to DRD if anyone associated with and authorised by DRD makes untrue, misleading or incomplete representations of the council to the media or any other person."

Ms Macgill (Animal Control Team Leader) was reported as stating "the memorandum was "private" and not something The Star should be commenting on." Therefore please provide:

- 1. Provide the legal authority for the statement an agreement between The Dunedin City Council and an entirely unrelated entity is a "private" agreement, not a public agreement.*

Please note Ms MacGill was giving her opinion to the reporter. You are requesting the Council justify its view on how the law applies to agreements made between it and another party. This is not a request for official information. Your request is refused.

Provide the legal authority for the position a Council employee can specify what a newspaper may or may not comment on, and particularly the legal authority for the position a newspaper cannot comment on "agreements" the DCC has entered into.

This request is refused for the same reasons as in the paragraph above.

- 2. State whether these clauses continue to be included in the agreement with "Dunedin Dog Rescue", and whether the clauses, or clauses with a similar*

effect, appear in any “agreement” with any other entity, and if so, the identity of the entity.

All council contracts and agreements include clauses preventing the other party to the agreement from commenting to the media about council business without prior consent, (unless this is required by law). This is standard business practice for all government and local government organisations. This does not prevent these organisations from commenting to the media regarding their own activities.

Request for Information about signs erected as a consequence of the 2014-2016 Dunedin City Council Dog Control Policy and Bylaw Review:

Your request is as follows:

New signs erected as a consequence of the 2016 Policy and Bylaws in locations such as “Smalls Beach”, “Tomahawk Beach”, “Brighton Beach” and “Chisolm Golf Links” state “Dogs welcome under effective control”. The definition of “effective control” contained in the 2004 Bylaw was removed from the 2014-2016 documentation and was not re-instated despite request by submitters to do so.

Therefore, please provide:

- 1. The reason for removing a definition of the term “effective control” when it was intended to use that exact term on future signage.*

The term "effective control" was removed from the bylaw because dog owners had difficulty understanding what it meant. It was replaced with an explanation in plain English as to the definition of effective control. Future signage was not being considered when this decision was made.

- 2. The reason for explicitly referring to a requirement for dogs be under “effective control” in specific locations, and only in specific locations.*

Signage has been placed in areas where the dog bylaw permits dogs to be exercised off leash.

- 3. The intended interpretation of the term “effective control”, with particular regard for how dog owners will be expected to demonstrate they meet that required standard, in the areas where that requirement appears on signs.*

Dog owners will be expected to demonstrate compliance with the bylaw and the Act. This requires owners to be able to see their dog, or be aware of what it is doing, and are close enough to prevent issues or quickly bring it to heel.

- 4. When and how it is intended to advise all dog owners of the intended interpretation of this term, and why that has not already occurred.*

We will add this to our website. Effective control is plain English. The experience of the animal control team is that dog owners understand this terminology to mean that they must make sure that the situation is safe for their dog, other dogs and people.

5. *The reasons signs have been designed and installed to provide inaccurate, misleading and confusing information that renders them either meaningless, or if relied on, would cause a dog owner to breach the relevant Bylaw.*

It is not clear what official information is being requested. Please clarify your request by specifying what documents/records you would like to be provided to you.

Request for Information about sign at Tomahawk Beach (and others similar).

Your request is as follows:

Shortly after 1 July 2016 the sign was removed. It was last confirmed as not being present in early October 2016. It was replaced sometime between that date and 20th November 2016. Therefore please provide:

- 1. The reasons this sign was left in place, and has now been re-erected given it provides incorrect information about the actual obligations of dog owners.*
- 2. The reasons this sign (and the others erected around 22 February 2016) were erected despite providing incorrect information about dog owner obligations.*

Answers to the above questions are refused under Section 17(h) of the Local Government Official Information and Meetings Act in that the information requested is trivial.

In making this decision we have considered the advice in the [Ombudsman's guidelines regarding trivial requests](#) and have taken into account the circumstances of the information, the purpose for which the information is requested, and have balanced this against the staff time that would be required to respond to the questions. We also note that the sign at Tomahawk Beach has been replaced thanks to your previous complaint about it.

3. *The intended interpretation of the term “on leash and under control”, with particular regard for how dog owners will be expected to demonstrate they meet that required standard, given no definition appears in the relevant Policy of Bylaw.*

This is a plain English statement of what dog owners are required to do. The sign specifies both “on leash” and “under control” because it is possible for a dog to be leashed but not under control. An example is where leashed dogs attack a dog or person.

4. *The costs of printing, installing, then correcting these signs in February/March 2016, then removing them after the 2016 Policy and Bylaw came into effect, then reinstalling this one, and the proportion of the costs funded from monies received under the Dog Control Act 1996.*

Answers to the above questions are refused under Section 17(h) of the Local Government Official Information and Meetings Act in that the information requested is trivial.

In making this decision we have considered the advice in the [Ombudsman's guidelines regarding trivial requests](#) and have taken into account the circumstances of the information, the purpose for which the information is

requested, and have balanced this against the staff time that would be required to respond to the questions. We also note that the sign at Tomahawk Beach has been replaced thanks to your previous complaint about it.

5. *The justification for the expenditure of funds in this manner, and if that includes expenditure of monies received under the Dog Control Act, the authority under the Dog Control Act to expend money in this manner.*

The costs of the signage were met from a budget that includes funding from ratepayers and revenue from other sources. The Council does not record what proportion of expenditure comes from each revenue source.

Request for Financial Information about the operation of Dog Control Services

Your request is as follows:

All information and documentation needed to ascertain the income and expenditure in relation to purposes authorised by the Dog Control Act for the 2016, 2015, 2014 and 2013 financial/reporting years, plus and income and expenditure projections for the current financial/reporting year. Please ensure the information is detailed enough to:

- 1. Accurately show the actual sources of money received, including, but not limited to, income received under the Dog Control Act (such as registration fees and dog-related fines) and income from general rate-payer contributions.*
- 2. Accurately show the details of how money is expended, including being able to identify the proportion of expenditure from income received under the Dog Control Act separate from general rate-payer contributions, and disclosing, but not limited to, expenditure on activities such as*
 - a. salaries,*
 - b. administration costs,*
 - c. vehicle running costs,*
 - d. maintenance and development of dog-related facilities and amenities,*
 - e. dog owner education,*
 - f. selected owner processing,*
 - g. complaint investigation and enforcement,*
 - h. the 2014-2016 review,*
 - i. the creation and installation of signage as a consequence of the 2014-2016 review,*
 - j. purchase, installation and maintenance of poop bag dispensers, and providing poop-bags (for the period they were provided).*

In response to the questions above regarding financial information. Financial information regarding the animal services department is not collated or sorted into the categories you have listed. Therefore we are unable to provide this information under Section 17(g) of the Local Government Official Information and Meetings Act, in that the information, in

the form you have requested, is not held or collated by the local authority. The Act does not require a local authority to carry out research on behalf of a requester.

If you would like to request a copy of the financial information for the department as it is commonly set out in monthly reports, please let us know and we can send this to you. However this may be of limited value to you because it does not specify "income and expenditure in relation to the purposes of the Dog Control Act".

Request for Information about the Dunedin City Council Dog Neutering Policy:

This request cannot be answered within the three free hours of staff time allocated to LGOIMA requests. A full response can be prepared for you, but it will be necessary to charge you for that information. Please confirm that you still want this information and we will provide you with a quote. This part of your request is on hold until we receive a response from you.

Request for Information about the Dunedin City Council Dog Control Review:

This request cannot be answered within the three free hours of staff time allocated to LGOIMA requests. A full response can be prepared for you, but it will be necessary to charge you for that information. Please confirm that you still want this information and we will provide you with a quote. This part of your request is on hold until we receive a response from you.

Request for Information about the Dunedin City Council Annual Report to the Department of Internal Affairs.

This request cannot be answered within the three free hours of staff time allocated to LGOIMA requests. A full response can be prepared for you, but it will be necessary to charge you for that information. Please confirm that you still want this information and we will provide you with a quote. This part of your request is on hold until we receive a response from you.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to contact me on the details provided below.

Regards,
Kristy Rusher
Manager Civic and Legal, Corporate Services
Dunedin City Council/*Kaunihera-a-rohe o Otepoti*

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