

From: Lauren McDonald
To: [REDACTED]
Subject: Response to Official Information request #798212 - Dog poo bags and related information
Date: Wednesday, 13 January 2021 03:30:00 p.m.
Attachments: [dog_control_policy_2004.doc \(4042054\).pdf](#)
[Control of Dogs - Dunedin City Council Dog Control Bylaw 1997 \(71432\).pdf](#)
[Dog Control Bylaw 2016 adopted June 2016.pdf](#)
[Dog Control Act 1996.pdf](#)
[Dog Control Policy 2016.pdf](#)

Dear [REDACTED]

Please find below our response to your official information request of 25 November 2020. Our responses are provided in **blue** to each of your questions detailed below (in your original request). As part of your request has been declined, 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 <https://www.ombudsman.parliament.nz/get-help-public/make-complaint-members-public>

Yours sincerely

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From: [REDACTED]
Sent: Wednesday, 25 November 2020 2:09 p.m.
To: Official Information <officialinformation@oa.dcc.govt.nz>
Subject: Official Information request - Dog Control-Related Information

Dear Dunedin City Council,

My preference is to receive the requested information through the [REDACTED].

1. For the financial year 2019-2020 the Dunedin City Council stated dog owners were given compostable dog poo bags. Please provide the following information:

- (a) The total number of owners who collected rolls of bags for their dogs, and the number of rolls collected for each dog. **This information unknown and therefore is declined pursuant to section 17 (g) of the Local Government Official Information and Meetings Act 1987 as the information is not held.**
- (b) The overall total number of rolls collected. **27,400 rolls**
- (c) The total number of rolls purchased to be available under the “free” scheme, and the total cost of the rolls purchased. **56,000 rolls were purchased.**
The cost of the rolls is commercially sensitive, therefore this request for information is declined pursuant to section 7 (2) (b) (ii) of the Local Government Official Information and Meetings Act 1987.
- (d) The number of rolls purchased to be resold (rather than collected under the “free” scheme) and the total cost of those rolls. **No additional poo bags were purchased to be re-sold however if a dog owner requested to purchase additional bags they would be permitted to purchase them at \$1.50/roll. These rolls would be from the total advised in response to Question C of 56,000.**
- (e) The number of rolls sold, and the total money received from those sales. **This information is not held and is therefore declined pursuant to section 17 (g) of the Local Government Official Information and Meetings Act 1987.**

2. The compostable dog poo bag scheme is listed as one initiative to reduce dog fouling in the “Animal Services Report to the Department of Internal Affairs” presented to the Planning and Environment Committee on 22 September 2020. It is also stated to be a way to reduce environmental impact on the Dunedin City Council website. The scheme has now been continued for the 2020-2021 registration year which would only be prudent if it was achieving the stated goals.

Please provide the information used to determine the scale of the fouling problem before the commencement of the scheme, the information collected to confirm the scheme reduced fouling and environmental impacts for the 2019-2020 year.
Information used to determine the scale of a fouling problem is based on the number of fouling complaints received by Council, which are as follows for the financial years 2018/19 to 2020/21:
2018/2019 – 57
2019/2020 – 30

2020/2021 – 08 (year to date)

Note I expect this information will be readily to hand given the report has only just been presented.

3. Could you please provide

(a) The 2002 Dog Control Policy and Bylaw

I advise that there is no 2002 Dog Control Policy and Bylaw, there is a 2004 Dog Control Policy and this is attached to this response for your information. The Dog Control Policy 2016 is also attached.

(b) The Policy and Bylaw that predated the 2002 documents but is identified as "as amended in 1997".

A copy of the Dunedin City Council Dog Control Bylaw 1997 is attached for your information.

(c) The Dog Control Policy and Bylaw that predated the documents that were amended in 1997.

I advise that prior to 1996 the Dunedin City Council worked under the Hydatids Control Act 1959 and a Dog Control Policy was not required. Council commenced working under the Dog Control Act from 1996 and I therefore decline this request pursuant to section 17(e) of the Local Government Official Information and Meetings Act 1987, as no information has been found to be held.

4. For the 2019-2020 registration year the registration fees for "responsible owner's" dogs were increased by 3.45%, the rate for the site visit increased by 2.97% and second and subsequent working dogs 3.85%. The neutering rebate remained the same. Conversely the dangerous dog fee was increased by only 2.91% and impounding related fees were not increased at all. The Council Dog Control Policy 2016 establishes graduated fees to target high demand users and deter non-compliance.

Please provide the evidence that "responsible owners", neutered dogs and second and subsequent working dogs are high demand non-compliant users, the problem was so prevalent it required deterrence by imposing a punitive fee increase greater than the fees for dangerous and impounded dogs, and the increase would reduce the problem.

In your question you appear to be seeking evidence as to why dangerous and impounded dogs fees were less than the increase for "responsible owners". I advise that Council does not set the

dangerous dog registration fee, as it is set by legislation under the Dog Control Act, section 32 (1) (e) "the owner of the dog must, in respect of every registration year commencing after the date of receipt of the notice of classification, be liable for dog control fees for that dog at 150% of the level that would apply if the dog were not classified as a dangerous dog".

Impounding fees were not increased by Council as the current fee is considered punitive enough. Attached is a copy of the Dog Control Act 1996 for your information

Yours faithfully,

[Redacted Signature]

This is an Official Information request made via the [Redacted].

Please use this email address for all replies to this request:

[Redacted Email Address]

Is officialinformation@dcc.govt.nz the wrong address for Official Information requests to Dunedin City Council? If so, please contact us using this form:

[Redacted Link]

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DUNEDIN CITY COUNCIL DOG CONTROL POLICY

1.0 INTRODUCTION

The Dog Control Act 1996 requires territorial authorities to develop dog control policies that:

- minimise danger, distress and nuisance caused by dogs to the community generally
- 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
- enables, to the extent that is practicable, people to use streets and public amenities without fear of attack or intimidation by dogs
- provide adequate opportunities to fulfil the exercise and recreational needs of dogs and their owners.

The Dunedin City Council will create a bylaw pursuant to the Dog Control Act 1996 and Local Government Act 2002 that will give effect to this Dog Control Policy.

2.0 DEFINITIONS

To assist with the understanding of this Policy the following definitions have been included. All definitions, except the definition of a 'Roaming Dog', are taken from the Dog Control Act 1996. All references made below to the 'Act' are in relation to the Dog Control Act 1996.

Companion Dog – means a dog certified by the Top Dog Companion Trust as being a companion dog or a dog under training as a companion dog.

Dog Control Fee – means any fee prescribed under section 37 of the Act.

Dog Control Officer – means a Dog Control Officer appointed under section 11 of the Act, and includes a warranted officer exercising powers under section 17 of the Act.

Dog Ranger – means a Dog Ranger appointed under section 12 of the Act and includes an honorary Dog Ranger.

Domestic Animal – includes:

- any animal (including a bird or reptile) kept as a domestic pet
- any working dog
- any other animal kept by any person for recreational purposes or for the purposes of that person's occupation or employment.

Guide Dog – means a dog certified by the Royal New Zealand Foundation for the Blind as being a Guide Dog or a dog under training as a Guide Dog.

Hearing Ear Dog – means any dog certified by the Hearing Association (Incorporated) as being a Hearing Ear Dog or a dog under training as a Hearing Ear Dog.

Infringement Offence – has the meaning given to it in section 65(1) of the Act.

Neutered Dog – means a dog that has been spayed or castrated but does not include a dog that has been vasectomised.

Owner – in relation to any dog, means every person who:

- owns the dog; or,
- has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner; or,
- the parent or guardian of a person under the age of 16 years who:
 - is the owner of the dog pursuant to this definition, and,
 - is a member of the parent or guardian's household living with and dependant on the parent or guardian,

but does not include any person who has seized or taken custody of the dog under this Act, the Animals Protection Act 1960, National Parks Act 1980 or the Conservation Act 1987 or any order made under the Dog Control Act 1996.

Poultry – means any live bird (including a domestic fowl, duck, goose, turkey, guinea-fowl, pheasant, emu, ostrich, quail, or pigeon) that is kept or raised for the purposes of sale or of producing eggs, hatching eggs, or poultry products or for the purposes of rearing on behalf of another person.

Protected Wildlife – means:

- any animal for the time being absolutely protected pursuant to section 3 of the Wildlife Act 1953
- any animal for the time being partially protected pursuant to section 5 of the Wildlife Act 1953, other than an animal in such circumstances that it may be hunted or killed under the authority of subsection (2) of that section
- any animal that is a marine mammal within the meaning of the Marine Mammals Protection Act 1978.

Public Place – means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place and includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

Registration Year – has the same meaning as that given to the term 'financial year' by section 2 of the Local Government Act 1974. Currently this is defined as the 1st day of July in any one year to the 30th day of June the following year.

Roaming Dog – means any dog that is found unaccompanied by their owner in any public place or on any land or premises other than that occupied by the owner.

Stock – means:

- any live horse, cattle, sheep, swine, alpaca, llama, bison, donkey, hinny, or mule that is not in a wild state
- any deer, goat, thar, or other animal that is kept within a fence or enclosure for domestic or farming purposes.

Working Dog – means:

- any guide dog, hearing ear dog, or companion dog
- any dog:
 - kept by the Police or any constable, the Customs Department, the Ministry of Agriculture, the Ministry of Fisheries or the Ministry of Defence, or any officer or employee of any such Department of State solely or principally for the purposes of carrying out the functions, powers, and duties of the Police or the Department of State or that constable, officer, or employee; or,
 - a collie dog (heading, huntaway or handy) that is kept solely or principally for the purposes of herding or driving stock; or,
 - kept by the Department of Conservation or any officer or employee of that department solely or principally for the purposes of carrying out the functions, duties, and powers of that department; or,
 - declared by resolution of the territorial authority to be a working dog for the purposes of the Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution.

3.0 OBJECTIVES

The objectives listed in this section have been developed to ensure that the Council consistently and effectively fulfils its responsibilities under the Dog Control Act 1996. These objectives have been based on the provisions of the Act.

It is important that the rights of the public are protected and the objectives listed below have been prioritised to reflect this.

Objective 1

To ensure that the owners of dogs comply with their obligations under the Dog Control Act 1996.

Note: The obligations of dog owners are to:

- *ensure that the dog is kept under control at all times*
- *ensure that the dog is registered in accordance with the Act*
- *ensure that the dog receives proper care and attention and is supplied with proper and sufficient food, water and shelter*
- *ensure the dog receives adequate exercise*

- *take all reasonable steps to ensure that the dog does not cause a nuisance to any other person, whether by persistent and loud barking or howling or by any other means*
- *take all reasonable steps to ensure that the dog does not injure, endanger, intimidate, or otherwise cause distress to any person*
- *take all reasonable steps to ensure that the dog does not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife*
- *take all reasonable steps to ensure that the dog does not damage or endanger any property belonging to any other person*
- *comply with all regulations and bylaws made under the Act.*

Objective 2

To prevent the danger caused by dogs to the public, wildlife, and natural habitats.

Objective 3

To minimise the distress and nuisance caused by dogs to the public, wildlife, and natural habitats.

Objective 4

To actively promote the responsible ownership of dogs.

Objective 5

To provide for the reasonable exercise and recreational needs of dogs and their owners.

Objective 6

To actively promote the neutering of dogs and provide a neutering scheme under the approved criteria.

4.0 ISSUES

4.1 Community Health and Safety

The Dunedin City Council has a responsibility to safeguard community health and safety. To do this it is necessary to control the activities of dogs which involves avoiding potential conflict, preventing danger and minimising distress caused by dogs to the community.

In the maintenance of community health and safety the Council will employ the following:

- **Access to Public Places** – Access to public places shall be restricted to dogs where the likelihood of significant conflict exists with the community.
- **Education and Obedience** – The provision of information shall ensure that the community, particularly high-risk groups, are informed about the risks associated with dogs, their identification, and avoidance. Owners shall also be informed of the safety and health issues related to dogs.
- **Enforcement** – When community health and safety is compromised, effective enforcement will control the problem including compliance with dog control regulations. This includes taking action where dogs have attacked or threatened people or animals by:
 - issuing a warning or infringement notice
 - prosecution when the offence or the effects of the offence are significant
 - impounding of roaming dogs
 - impounding of unregistered dogs.

4.2 Wildlife

Native, indigenous or protected wildlife can be sensitive to threats by predators, including dogs, which can damage both wildlife populations and habitat. When it is identified that dogs will have a significant negative effect on wildlife or their habitats, access for dogs may be restricted.

In the protection of wildlife the Council will employ the following:

- **Access to Public Places** – Access by dogs to public places will be restricted where the likelihood of conflict exists with wildlife.
- **Education** – The provision of information to ensure that the community generally, and dog owners in particular, is informed about wildlife issues and the need to avoid disturbing them or allowing dogs to disturb them.
- **Enforcement** – When wildlife safety is compromised, effective enforcement will control the problem including compliance with dog control regulations. This includes taking action where dogs have attacked or threatened wildlife by:
 - issuing a warning or infringement notice
 - prosecution when the offence or the effects of the offence are significant
 - impounding of roaming dogs
 - impounding of unregistered dogs.

4.3 Nuisances

The activities of dogs can cause annoyance and discomfort to members of the community. Nuisances cover a wide range of issues and include:

- barking
- dog faeces
- roaming dogs
- the general presence and activities of dogs.

It is important that when dogs cause a nuisance those problems are identified and appropriate measures are taken to minimise or mitigate their adverse effects.

In the management of dog nuisances the Council will employ the following:

- **Select Owner Policy (SOP)** – Minimise the nuisances caused by dogs by providing incentives designed to encourage responsible dog ownership.
- **Education and Obedience** – Educating owners about the major nuisances associated with the ownership of dogs and how to avoid them.
- **Enforcement** – When a nuisance exists, provide effective control to reduce the problem and sufficient deterrent against non-compliance. This includes:
 - issuing a warning or infringement notice
 - prosecution where the offence or the effects of the offence are significant
 - impounding of roaming dogs
 - impounding of unregistered dogs.

4.4 Dangerous Dogs

Problems exist with a small section of the dog population that pose a significant threat to the community through aggressive behaviour. These are the dogs that attack or threaten people, domestic animals (including poultry) or wildlife causing injury, damage, or distress. It is important that where dogs are identified as dangerous, through their behaviour, that the appropriate actions are taken to control them.

In the management of dangerous dogs the Council will employ the following:

- **Enforcement** – Where dogs have, through their actions, shown themselves to be dangerous appropriate actions will be taken. These include:
 - issuing a warning or infringement notice
 - prosecution where the offence or the effects of the offence are significant
 - classifying owners as probationary or disqualified
 - classifying dogs as menacing or dangerous.

4.5 Dog Welfare

It is important to recognise that dogs have certain physiological and psychological requirements. Owners of dogs need to be aware that they have a responsibility to provide for their dog's welfare.

In the management of dog welfare the Council will employ the following:

- **Access to Public Places** – The classification of public places should provide sufficient opportunities for owners to provide for the exercise and welfare needs of their dogs.
- **Select Owner Policy Status** – Incentives will be provided to promote responsible dog ownership. This will include the welfare requirements of dogs.
- **Education and Obedience** – Information will be provided to owners about the welfare requirements of dogs.
- **Enforcement** – When welfare is not sufficiently provided for the Council will ensure that appropriate action is taken and that sufficient deterrence against non-compliance with dog control laws as they relate to dog welfare, are in place. This includes:
 - issuing a warning
 - prosecution where the offence or the effects of the offence are significant.

4.6 Registration

The maintenance of a registration system is both a statutory requirement and an essential component of the efficient running of a dog control service.

In the maintenance of a dog register the Council shall employ the following:

- **Education and Obedience** – Information will be provided to owners and potential owners, about their obligation to register their dog.
- **Enforcement** – Registration shall be monitored and action taken against owners that fail to register their dog. This includes:
 - issuing a warning or infringement notice
 - impounding of unregistered dogs
 - the requirement that all dogs be registered before they are released from the pound.
- **Fees** – Provide incentives for registration by setting reasonable fees for the registration of dogs, and recognising and providing for responsible ownership. Penalties for late registration will be set.
- **Microchip Transponder for Certain Dogs** – All dogs listed in Schedule 4 of the Act, or classified as menacing or dangerous on or after the 1st day of December 2003, must have a microchip transponder of the prescribed type implanted by the 1st day of July 2006. All dogs registered for the first time on or after the 1st day of July 2006 must have a microchip transponder of the prescribed type implanted. The Council will support and participate in the development and

maintenance of the National Dog Control Database that will come in to effect on the 1st day of July 2006.

Dog breeds listed in Schedule 4 include:

- Fila Brazilian
- Dogo Argentina
- Japanese Tosa

Dog types listed in Schedule 4 include:

- American Pit Bull Terrier

4.7 Dog Owner Recreation

Dog owners wish to enjoy a range of recreational activities with their dogs. Although the health and safety of the community takes priority it is still important to provide recreational opportunities for owners and their dogs.

In the management of dog owner recreation the Council will employ the following:

- **Access to Public Places** – The classification of public places to provide sufficient opportunities for owners to enjoy a range of recreational activities with their dogs.

4.8 Costs

The provision of a dog control service includes the maintenance of dog registration databases, the monitoring of regulations and bylaws, response to complaints, enforcement actions, and education programmes. It is important that the costs involved with the dog control service are identified and recovered through appropriate means. The Council will, where possible, recover the cost associated with dog control from those who benefit from the service.

There are constraints on the Council recovering costs and the user of a service cannot always be directly identified. The monitoring of regulations and bylaws or the impounding of a dog whose owner cannot be identified are two examples where the immediate user of the service cannot be identified. Enforcement actions (the Council prosecuting an owner in Court) are an expensive process and the ability to recover these costs is constrained by law.

The public does benefit from the dog control service (e.g., the reduction in nuisance factors, safety issues addressed, and no roaming dogs) and therefore they should contribute to the cost. However, dog owners should incur most of the Council's costs associated with the ownership of their dogs.

The Council will recover 75% of the total cost associated with dog control through:

- registration and control fees
- enforcement.

The balance (25%) will be met from residential rates.

- **Fees** – Council will set reasonable fees to recover the costs of dog control from:
 - registration and control fees
 - enforcement
 - residential rates.

5.0 POLICIES

5.1 Access to Public Places

This will allow dogs and owners access to public places while ensuring public safety and comfort. Where it has been determined that there is a potential for conflict with the general public, restricted access will apply to identified areas.

Dogs are allowed anywhere in the city on a leash except for those particular areas identified as “Prohibited Public Places”.

Three defined areas identify access restrictions to public places. The Act classifies public places as:

- **controlled** – dogs are allowed if controlled on a leash
- **exercise** – dogs are allowed and are not required to be on a leash
- **prohibited** – dogs are not allowed under any circumstances.

Dogs must be kept under control at all times.

Exemptions for certain dogs

The following classes of dogs will be exempt from all the restrictions over public places specified in this section.

- Hearing Ear dogs
- Guide dogs
- Companion dogs

Certain working dogs will be exempt from the restrictions over public places specified in this section.

- All working dogs shall not need to be on a leash in a Controlled Public Place
- All working dogs, except those kept solely or principally for the purposes of herding or driving stock, need to be on a leash in a Prohibited Public Place

Other Legislation

Dog access is also controlled by other legislation. The Dog Control Policy is required to define specific areas of land designated under other legislation.

These include:

- a controlled area – Conservation Act 1987
- an open dog area – Conservation Act 1987
- a national park – National Parks Act 1980

Policy

That dogs and their owners shall be provided with a reasonable level of access to public places, however this must be balanced with the need to prevent danger and to minimise distress and nuisance to the public at large.

Policy

That where the likelihood of conflict exists between dogs and the public at large, access by dogs to the public places shall be restricted.

Policy

That where the likelihood of conflict exists between dogs and wildlife, access for dogs to those places shall be restricted.

Policy

That the Council will, from time to time, make areas temporarily prohibited to dogs when there is the potential for conflict with people, domestic animals, or at the advice of the department of Conservation, wildlife. Temporary prohibitions will be notified by signage placed at the main points of entry to the areas and where practicable, public notice in the newspaper.

5.1.1 Controlled Public Places

All public places in the Dunedin City area are classified as controlled public places where dogs may go when controlled on a leash, except for public places classified as:

- **Prohibited** under Section 5.1.2 of this Policy. In these areas dogs are not allowed under any circumstances.
- **Exercise Area** under Section 5.1.3 of this Policy. In these areas dogs are allowed and are not required to be on a leash.

5.1.2 Prohibited Public Places

These are areas where it is considered that a significant risk of conflict between dogs and the public at large exists. In order to prevent danger and to minimise the nuisance caused by dogs, they are prohibited from these areas.

The following areas will be classified as **Prohibited Areas** pursuant to a bylaw made under section 20(1)(a) of the Act.

Table 1 – Prohibited Public Places

All designated and marked sports fields and children's playgrounds
All cemeteries
Commercial Areas
The Octagon
Civic Centre
Library Plaza

Princes Street between the Octagon and Exchange
George Street between the Octagon and Knox Church
King Edward Street between Hillside and Macandrew Roads
Beach Areas
Designated bathing beaches defined by flags placed by lifeguards marking safe swimming areas
St Clair/Esplanade
Beach from Salt Water Pool to nearest piles on beach to the north
Park on Victoria Road adjacent to playground area, the playground area itself and the sealed area between the Esplanade and beach track past the Surf Club
Esplanade area, including carpark accessed from the Esplanade, to Beach Street to the south
Reserves park between the Esplanade and Bedford Street
Brighton
Brighton Beach between the Big Rock and the small cliff to the south including the estuary and all the beach within the confines of Brighton Road
Recreation
Macandrew Bay Beach Reserve
Broad Bay Beach Reserve
Botanic Garden
Woodhaugh Gardens (other than on defined walking tracks)
Conservation/Wildlife Areas
Okia Reserve (DCC and the Yellow Eyed Penguin Trust)
Boulder Beach (DOC)
Sandymount and associated track network (DOC)
Sandfly Bay (DOC)
Seal Point Road to Sandfly Bay (DOC)
Pilots Beach Recreation Reserve (DCC)
Warrington Spit and Island (DCC)
Aramoana Beach from Keyhole Rock north to Heyward Point (DOC)
Aramoana Ecological Area – salt marsh and wetland (DOC)
Lighthouse Reserve (Taiaroa Head and DCC)
Taiaroa Head (DCC and DOC)
Allans Beach north east of where access track enters the beach (DOC)
Woodside Glen (Outram) (DOC)
Deep Stream Scenic Reserve (DCC and DOC)
Grangers Road Track (DOC)
Hyde-Middlemarch Rail Trail (DOC)
Mill Creek Track (DOC)
Outram Glen to Lee Stream (DOC)
Sutton Salt Lake Scenic Reserve (DOC)
Careys Creek (DOC)
Grahams Bush Walk (DOC)
Hawksbury Lagoon (DOC)
Leith Saddle (DOC)
Matanaka (DOC)
Organ Pipes (DCC)
Mount Cargill (DCC)

Orokonui (DOC)
Tunnel Beach (DOC)
Burns Park (DOC)
Goat Island (DOC)
Quarantine Island (DOC)
Otekiho Reserve (DCC and Yellow Eyed Penguin Trust)
Tracks
Highcliff Road to Hoopers Inlet
Lime Kilns (private)
Mount Charles (private and DOC)
Paradise Road and Track
Pipikaretu Beach (private)
Quion Cliff (private)
41 Peg Track
District Road Track
Ridge Road Track
Nyhon Track
Bacon Street Track
Buskin Road (Otago Peninsula)
Aramoana – Heyward Point Track (DOC)

From time to time The Council will notify, by way of signage and advertising, any temporary dog prohibition because of wildlife issues.

Right of Access

In an area of ‘Children’s Play Equipment’ owners shall be allowed to move through the area for the purpose of moving from one side of the prohibited area to the other. Any owner and their dog are required to move directly through the prohibited area via the most direct path.

Any owner and their dog will not be allowed in any area of ‘Children’s Play Equipment’ for more time other than is reasonably necessary for passing through the area.

Where an owner intends to transport their dog via the Dunedin International Airport the dog is allowed access to that Prohibited Public Place specifically for that purpose.

These rights of access do not apply to sports fields or to the other Prohibited Public Places listed in Table 1.

Table 2 – Tracks and Reserves where Dogs are allowed

<i>Controlled dogs permitted without a leash unless otherwise specified</i>
Dunedin City
Market Reserve - Princes Street
Bethunes Gully (on a leash in lower picnic area)
Ferntree (on a leash)
Frasers Gully Recreation Reserve (on a leash)
Leith Valley Scenic Reserves (DOC)
Ocean Beach Domain

Ocean Grove Recreation Reserve
Ross Creek (on a leash)
Track from north end of Esplanade to the scout den at the southern end of Kettle Park (on a leash)
Track from Forbury Road to the Middle Track and known as the "Paws Walking Track" (on a leash)
Woodhaugh Gardens (on a leash on defined walking tracks only)
Flagstaff
Flagstaff/Swampy
Jim Freeman Track
Nicols Falls
Pineapple Track (on a leash)
Whare Flat
North Dunedin
Aramoana Beach south of Keyhole Rock (DOC)
Bucklands Crossing
Cleghorn Street
Doctors Point
Evansdale Glen
Huriawa Pa (on a leash - Ngai Tahu and DOC)
Karitane Esplanade Reserve
Long Beach Recreation Reserve
Mapoutahi Pa (on a leash - Ngai Tahu and DOC)
Purakanui Recreation Reserve
Signal Hill Recreation Reserve
Scott Memorial
Truby King Reserve (on a leash)
Waikouaiti Recreation Reserve
Waikouaiti River Foreshore and Duncansby Street River Reserve (on a leash)
Warrington Recreation Reserve
Peninsula
Allans Beach south west of where access track enters beach (DOC)
Bacon Street to Highcliff Road
Camp Road
Greenacres Street
Karetai Road
Silverstream
Racemans
South of Dunedin
Brighton Recreation Reserve
Island Park Recreation Reserve
Ocean View Recreation Reserve
Westwood Recreation Reserve

Table 3 – Areas where a Hunting Permit is required

<i>Permits are necessary to take your dog into the following areas for hunting purposes</i>
Allans Beach Wildlife Management Reserve (DOC)
Chalkies (DOC)
Silverpeaks (DOC)

5.1.3 Exercise Areas

The following areas shall be classified as Exercise Areas where dogs can be exercised off their leash. Owners are required to maintain control over their dog at all times.

Table 4 – Exercise Areas

<i>(NOTE: dogs are not permitted in children's playgrounds or on marked sports grounds adjacent to some of these Exercise Areas)</i>
Kew Park - Caversham
Shand Park - Green Island
Wakari/Taieri Road Reserve
Rotary Park - Highcliff Road
Forrester Park - Norwood Street
East Taieri Dog Park - Cemetery Road, East Taieri

5.2 Select Owner Policy

Historically the Dunedin City Council has promoted a Select Owner Policy status whereby fees are reduced to encourage responsible dog ownership. The reduced fees are set for owners that comply with set criteria. The Council recognises that encouraging responsible dog ownership is an effective means of preventing danger and minimising distress and nuisance and to this end will continue to provide incentives for the owners of dogs to become responsible owners.

Policy

That the Dunedin City Council will actively encourage responsible dog ownership through the promotion of the Select Owner Policy.

Criteria for Select Owner Policy Status

To be classified as a 'Select Owner' the following must be met:

- the owner must comply with the Dunedin City bylaws as they relate to dogs either:
 - having been a registered owner in Dunedin for at least one year; or,
 - all owners shall be required to attend and pass an approved dog owner education course

- the owner must have never:
 - received a conviction under the Act
 - received an infringement in the last two years
 - had a dog impounded in the last two years
 - had a bona fide complaint laid against them
- registration fees (if relevant) have been paid by due date for the last two years
- the area of the property that the dog has free access to must be fully fenced and gated
- any outside kennels must be waterproof and hygienic.

Application must be made to the Council before the benefits of the 'Select Owner' status can be gained.

Cancellation

Cancellation of Select Owner status shall occur in the following situations:

- if a Select Owner is convicted of an offence under the Act, the owner shall never be permitted to be reinstated as a Select Owner
- if a Select Owner is issued with an infringement notice, the owner shall not be permitted to be reinstated as a Select Owner for two years
- if a Select Owner's dog is impounded, the owner shall not be permitted to be reinstated as a Select Owner for two years
- if a Select Owner has a bona fide complaint laid against them, the owner shall not be permitted to be reinstated as a Select Owner for two years
- if a Select Owner fails to pay dog registration fees by the due date, the owner shall not be permitted to be reinstated as a Select Owner for two years

If a Select Owner changes address at any time then the owner must immediately notify the Council of the change.

Note: Classification as a 'Select Owner' applies to all dogs owned by an individual. Select dog owners still require a licence to keep more than one dog (see section 5.7.6 of this Policy).

5.3 Neutering

The Dunedin City Council recognises that the neutering (spaying or castrating) of a dog is an effective means of controlling unwanted behaviour in dogs. The Council will continue to promote the neutering of dogs by subsidising veterinary costs (strict criteria apply) and providing a financial incentive in the fees structure.

5.4 Education and Obedience

The Dunedin City Council recognises that the provision of education will help to promote greater awareness both with owners and the general community about the issues associated with dog control.

Education and the provision of information about dogs and their requirements is seen as a method of being able to address dog control problems before they occur. With the new requirements of the Act it is important that owners are aware of what is required of them and how they should address dog control problems as they arise.

All members of the community come into contact with dogs on a regular basis. For this reason it is important to educate the wider public about dog control issues.

Education should focus on those groups in the community that come into regular contact with dogs or are at a higher risk from dogs. These include:

- prospective owners
- children
- the providers of education and obedience programmes.

Providing obedience courses is a method of controlling dog control problems and issues in a more targeted manner. The use of these courses is seen as a method of reducing dog control problems in specific cases. In the development and use of education and promotional activities as tools for dog control the Council will maintain the following policies.

Policy

The Council will engage in education with the following aims:

- to promote maximum public safety
- to promote responsible dog ownership
- to promote the provisions of the Dog Control Act 1996 and the Dunedin City Dog Control Policy

Policy

The Council will engage in the education of owners on the following matters:

- the requirements and welfare of dogs
- major dog control problems and their avoidance
- the obligations imposed on dog owners under the Dog Control Act 1996 and the Dunedin City Dog Control Policy
- the requirements of the Wildlife Act 1953 and Marine Mammals Protection Act 1978

Policy

The Council will engage in the education of the general public, especially children and other high-risk groups, on the following matters:

- the needs and welfare of dogs
- major dog control problems and their avoidance
- the rights of the general public
- dog safety and the handling of dogs

5.5 Enforcement

The Act provides several powers to Territorial Authorities to control dogs and enforce the requirements of the Act. The use of enforcement mechanisms is provided to allow Territorial Authorities to effectively carry out their obligations to protect the community and to offer a sufficient deterrent against non-compliance with the legislation.

This section outlines the different enforcement mechanisms that are available to the Dunedin City Council. Many of the mechanisms are not open to interpretation by the Council.

5.5.1 Prosecution

The Act sets out the obligations of dog owners. Where a person has failed to comply with a particular obligation under the Act they can be prosecuted in a Court of Law and the offences carry heavy fines, a conviction and in extreme circumstances, imprisonment.

Prosecution can be a costly process, both in terms of time and recourses, and, where appropriate, alternative methods of enforcement can be used. However, where an offence is considered to be serious and sufficient evidence exists the Council will consider prosecuting an offender in situations where a dog has:

- caused significant damage to property
- caused significant damage or injury to any person, domestic animal (including poultry) or wildlife
- caused severe distress
- caused danger, distress or nuisance to any person or the community on a number of occasions.

5.5.2 Infringement Notices

The Act empowers Dog Control Officers to issue Infringement Notices which impose an 'instant' fine for dog owners. Infringement Notices can only be issued for particular offences.

Table 5 – Offences Pursuant to the Dog Control Act 1996

Section	Offence	Infringement
18	Wilful obstruction of a Dog Control Officer	\$ 1,000.00
19(2)	Failure/refusal to supply information/wilfully stating false particulars	\$ 1,000.00
32(4)	Fraudulent sale/transfer of a dangerous dog	\$ 1,000.00
41	False statement relating to registration	\$ 1,000.00
46(4)	Fraudulent attempt to procure a replacement registration label/disk	\$ 1,000.00
51(1)	Removal/swapping of labels/disks	\$ 1,000.00
62(1)	Allowing a dog known to be dangerous to be at large unmuzzled	\$ 1,000.00
28(5)	Failure to comply with disqualification	\$ 1,000.00
36(A)	Failure to implant a microchip	\$ 500.00
20(5)	Failure to comply with the Dog Control Bylaw	\$ 500.00
52(A)	Failure to keep a dog controlled/confined	\$ 300.00
53(1)	Failure to keep a dog under control	\$ 300.00
42	Keeping an unregistered dog	\$ 300.00
48(3)	Failure to advise a change of ownership of dog	\$ 100.00
49(4)	Failure to advise a change of address of dog	\$ 100.00
54(A)	Failure to carry a leash in public place	\$ 100.00

Section	Offence	Maximum Penalty on Conviction
54(2)	Failure in obligations as a dog owner	3 months imprisonment or \$5,000.00
55(7)	Barking dog	\$1,500.00
57(5)	Dog attacking people or animals or rushing at vehicles	\$1,500.00
58	Dog causing serious injury	3 years imprisonment and/or \$20,000.00

5.5.3 Classifications

Under the Act the Dunedin City Council has the ability to classify owners as ‘probationary’ or to disqualify owners from owning a dog. These classifications only apply in certain situations and carry restrictions on that person owning a dog.

Probationary Owners

The Act allows the Council to classify any person that has been convicted of an offence under the Dog Control Act 1996, or has received three infringement notices in 24 months as a ‘probationary’ owner. While the Council has discretion to use this power it is considered that where the two matters listed above have occurred then classification as ‘probationary’ is justified.

The probationary classification has the following effect:

- the owner is not allowed to own any additional dog(s) than was owned at the time the classification was made
- the owner must dispose of any unregistered dogs

- a 50% surcharge on the owners registration fees is charged.

A probationary owner has the right to object to the classification and the Act outlines a number of circumstances whereby the two-year probationary period can be reduced. In considering an objection the Council will have regard to;

- the circumstances and nature of the offence(s)
- the competency of the person in terms of responsible dog ownership
- any steps taken by the person to prevent further offences
- the matters advanced in support of the objection
- any other relevant matters.

In addition to the matters listed the Council will encourage owners to undertake approved education and obedience courses as a means of reducing their probationary period.

Disqualification of Ownership

If an owner is classified as probationary and they commit a further offence the owner can be disqualified from owning a dog. The disqualified owner must dispose of all dogs they own and cannot own any more dogs for up to five years. A disqualified owner has the right to object to the classification.

As with classifying an owner as probationary, the Council has discretion to use this power. It is considered that where the two matters listed above have occurred, disqualifying a probationary owner from owning a dog is justified.

5.5.4 Barking Dogs

The provisions for dealing with barking dogs are covered by sections 55 and 56 of the Act. Where a dog is considered to be causing a nuisance through persistent and loud barking or howling, a dog control officer may issue the owner of the dog with a notice requiring the owner to take such reasonable steps so as to abate the nuisance.

The owner of the dog has seven days to either comply with the notice or object to the Council about the content of the notice. If after seven days the notice has not been complied with and further complaints have been received, a Dog Control Officer may remove the dog from the land or premises.

If an objection has been received the objector shall have the right to be heard by the Council who shall consider the notice and any evidence submitted with the objection and shall confirm, cancel, or modify the notice.

5.5.5 Classification as a Dangerous Dog

Under the Act provision is made for classifying individual dogs as dangerous. The classification is made where:

- an owner of the dog has been convicted of an attack offence under section 57(6) of the Act
- the Council has sworn evidence that the dog has shown aggressive behaviour
- the owner admits that the dog constitutes a threat to the safety of any person, animal or stock.

This procedure is prescribed by law and is not open to interpretation by the Council.

In addition to all other obligations the owner of any dog that is classified as dangerous must:

- ensure the provision of a secure area where it is possible to gain unrestricted access to any door of the residence
- ensure the dog is muzzled in any public place or when not confined in a vehicle or cage
- ensure the dog is neutered
- not dispose of the dog to any other person without the written consent of the Council.
- pay 150% of the registration fee.

Classifying dogs as dangerous is an effective method of controlling individual dogs that have demonstrated aggressive or dangerous behaviour.

5.5.6 Impounding

The Act sets out certain provisions for the impounding of dogs. Where any dog is found at large in a public place in contravention of a bylaw or on any property other than the owners it may be impounded. Where any dog is impounded and the owner is known, the Council shall make all reasonable attempts to contact the owner. The owner then has seven days to recover the dog from the pound.

Where the owner of the dog is unknown the Council must keep the dog for seven (7) days. If the dog is not claimed after this time the dog may be disposed of or destroyed as the Council sees fit.

Where a dog is recovered from the pound, it shall not be released until all registration and pound fees are paid.

5.5.7 Abatement of Nuisance

Where a complaint has been received and a Dog Control Officer considers that a nuisance exists, the officer may issue the owner with a notice requiring that they take such steps as are specified in the notice to abate the nuisance. These notices shall be issued pursuant to the Dunedin Dog Control Bylaw.

5.6 Fees

Section 37 of the Act states:

“The dog control fees payable to a territorial authority shall be those reasonable fees prescribed by resolution of that authority for the registration and control of dogs under this Act.”

The Council may also set lower fees for certain types of dogs or owners, or penalty fees for late payment. It can set fees for the impounding of dogs - this includes fees for the seizure, sustenance, and the destruction of a dog. Fees can be varied for registered and unregistered dogs and may be graduated for the repeated impounding of the same dog.

The setting and review of fees will vary over time and will be set and advertised before the beginning of each registration year (the 1st day of July to the 30th day of June the following year).

Table 5 – Categories for which fees will be charged under the Dog Control Act 1996

<p>Registration</p> <ul style="list-style-type: none"> - Select Owner Policy - neutered (spayed or castrated) dogs - standard pets - working dogs - approved guide dogs, hearing dogs, and companion dogs
<p>Impounding</p> <ul style="list-style-type: none"> - first impounding - second impounding - third and subsequent impounding - daily sustenance fee
<p>Miscellaneous</p> <ul style="list-style-type: none"> - Permit to have more than one dog on a property (other than rural properties) - collection or delivery of dog on behalf of owner - euthanasia of dog at owners written request

The Dunedin City Council in seeking to encourage responsible ownership will offer a reduction in registration fees for the following:

- having a dog neutered (spayed or castrated)
- owners who are classified as Select Owners
- Guide Dogs
- Hearing Ear Dogs
- Companion Dogs

5.7 Bylaws

The Council has the ability pursuant to the Dog Control Act 1996 and Local Government Act 2002 to create bylaws to give effect to the Dog Control Policy. The Act lists the particular matters for which bylaws can be made and the Council has identified the specific matters that will be covered in the Dunedin City Council bylaw.

5.7.1 Notice to Abate Dog Nuisance

Where a Dog Control Officer considers that any dog, or the keeping of any dog, has become a nuisance or injurious or hazardous to the health, property or

safety of any member of the public, an officer may in writing require the owner to do any or all of the following:

- permanently remove a single dog from a property
- reduce the number of dogs kept on a premises
- construct, alter, reconstruct or improve the kennels or other buildings used to house or contain the dog or dogs
- take such action as an officer deems necessary to minimise or remove the likelihood of nuisance, injury or hazard to health, property or the safety of any member of the public.

5.7.2 Restriction on Diseased Dogs or Dogs in Heat

Where any dog is infected with mange, distemper, or other infectious disease, or any bitch is in heat, the owner of the dog shall not allow that dog in any public place.

5.7.3 Fouling of Public Places

Where any dog defecates in a public place or on land or premises other than that occupied by the owner, the owner of the dog shall forthwith remove and dispose of the faecal matter. Regardless, the owner shall carry a suitable receptacle at all times (e.g., plastic or paper bags or a 'pooper scooper') when their dog(s) is/are in a public place.

5.7.4 Dogs in Public Places

The bylaw shall identify the public places where dogs shall be:

- controlled (allowed on a leash)
- allowed to be exercised (allowed off a leash)
- prohibited (not allowed).

These areas shall be identified from time to time by resolution of the Council and must be consistent with the areas identified in the Dog Control Policy.

These areas must be identified in the bylaw to allow Dog Control Officers to enforce the public place restrictions made under the Policy.

This bylaw shall also specify particular dispensations for particular dogs where the general provisions of the bylaw may not apply or may be altered.

5.7.5 Impounding

The bylaw will allow Dog Control Officers and rangers to impound roaming dogs and dogs found without their owners.

5.7.6 Permit Required for More Than One Dog

The bylaw shall require any owner who keeps more than one dog, other than on a rural property, to obtain a permit to do so. In considering an application the Council shall have regard to the danger, distress and nuisance that would be caused to the community generally if the permit were issued.

The Council shall have the right to impose terms and conditions on the issuing of the permit including:

- specifying the number of dogs that may be kept at any one time
- specifying the duration of the permit

- specifying the particular dogs to which the permit shall relate
- restrictions as to the purpose for which such dogs may be kept
- provision of hygiene.

The Council may fix an annual fee for a permit issued for more than one dog.

CONTROL OF DOGS

Dunedin City Council Dog Control Bylaw 1997

Former Bylaws Repealed

Section 5 of the Dunedin City Council Dog Control Bylaw 1997 on Control of Dogs is hereby repealed and all bylaws of the Dunedin City Council already in force shall be read subject to this bylaw. In the event of conflict between the provisions of any former bylaw and the provisions of this bylaw, the provisions of this bylaw shall prevail.

5.1 Meaning of Owner

In this By-law, "Owner" in relation to any dog means every person who:

- (a) Owns a dog; or
- (b) Has possession of the dog, whether the dog is at large or in confinement, otherwise than for the sole purpose of restoring a lost dog to its owner; or
- (c) Is the parent or guardian of and shares a household with a person under the age of 16 years who is the owner of the dog pursuant to paragraph (a) or (b) of this definition:

But does not include any person who has seized or taken custody of the dog under the Dog Control Act 1996 or the Animal Protection Act 1960 or any regulation made under either of those Acts.

5.2 Shelter for dogs

(1) The owner of any dog shall provide for it a weatherproof kennel or place of confinement of adequate size with access to clean water, constructed on well-drained ground and, in the case of a kennel without other means of confinement, provided with a fixed chain or running wire which allows the dog free movement about the kennel. All kennels or places of confinement shall be kept in a reasonable, clean and sanitary condition. A place of confinement may include a dwelling.

(2) Animal Control Officers will have discretion to determine what is reasonable.

(3) No owner of any dog shall keep it on any premises in any kennel or place of confinement, other than a dwelling, any part of which is nearer than two metres to any boundary of those premises.

5.3 Control of dogs on a Leash

(1) The owner and any person for the time being having charge of any dog shall ensure that the dog does not enter or remain in any public place unless it is kept on a leash, chain or lead which is in turn secured or held so that the dog cannot break loose

Except

That a dog may be exercised without being restrained during the hours commencing ½ hour before sunrise and ½ hour after sunset in any public place where dogs are allowed other than a road, street or prohibited area. The dog must be under continuous control whilst being exercised. For the purpose of this clause it shall be deemed to be sufficient control if the dog is under the continuous surveillance or control of some responsible person and the dog does not give rise to any reasonable complaint as to its behaviour while being exercised.

In dog exercise areas dogs can be exercised at any time but must still be under the control or surveillance of some responsible person.

(2) The provisions of 5.3(1) shall not apply to a working dog (as described in Section 2 of the Dog Control Act 1996) carrying out the work in respect of which the dog has been registered.

(3) Notwithstanding any other provision of this Bylaw, the entry of dogs on to any public place specified in Section 5.5 is prohibited.

5.4 Dog Exercise Areas

Dogs within Exercise Areas may be exercised at large at all times while under continuous surveillance and effective control, or on a leash according to the appropriate signage for that area within the exercise area. Except dogs are not permitted to enter children's playgrounds and market sports grounds where these are adjacent to Exercise Areas.

The designated Dog Exercise Areas are contained in Section (a) of the attached Schedule.

See also Section (b) and (c) of the Schedule for details on tracks and reserves where dogs under control are allowed.

Owners must pick up and wrap all offensive material deposited by their dogs on Exercise Areas and place into the litter bins provided.

5.5 Public Places in which Dogs are Prohibited

Dogs are prohibited in those places listed in Section (d) of the attached Schedule at all times unless otherwise specified.

5.6 Fouling in Public Places

No person being the owner or a person having charge of any dog shall permit the dog to foul in a public place with droppings or on land or premises other than that occupied by the owner.

(1) Provided that, no offence shall be deemed to have been committed against this bylaw where the owner or the person having charge of the dog removes the droppings immediately after the dog has deposited them.

(2) Any person having charge of any dog shall at all times while exercising the dog whether within a designated exercise area or any public place carry a suitable receptacle to remove and dispose of dog droppings immediately after the dog has deposited them.

(3) A suitable receptacle shall be defined as a plastic bag, paper bag or designed pooper scooper.

(4) Where a public litter bin or similar receptacle is used to dispose of the droppings, they must be suitably wrapped or contained to prevent fouling the receptacle.

5.7 Infectious or Infested Dogs

No person being the owner or having control or charge of any infectious or infested dog shall take the same into any public place or permit or suffer such dog to enter or remain in a public place except when being taken to a veterinary clinic.

5.8 Nuisances

(1) The owner of any dog and the owner or the occupier of any premises on which any dog or dogs are kept shall:

(a) Take adequate precautions to prevent the dog or dogs or the keeping thereof from becoming a nuisance or annoyance.

(b) Keep every bitch in season confined but adequately exercised.

(2) If, in the opinion of the Council, any dog or dogs or the keeping thereof on any premises has become or is likely to become a nuisance, the Council may, by notice in writing, require the owner or occupier of the premises within a time specified in such notice, to do all or any of the following:

- (a) Reduce the number of dogs kept on the premises
 - (b) Order the permanent removal of a single dog on a property.
 - (c) Construct, alter, reconstruct or otherwise improve the kennels, places of confinement or other buildings used to house or contain such dog or dogs (Animal Control Officers will have the discretion to determine what is acceptable or reasonable).
 - (d) Require such dog or dogs to be tied up or otherwise confined during specific periods.
 - (e) Take such other action as the Council deems necessary to minimise or remove the likelihood of nuisance.
- (3) The owner of every dog shall ensure it does not create a nuisance or annoyance:
- (a) By obstructing the lawful passage of persons in public places;
 - (b) By rushing and frightening persons in a public place or lawfully on private property;
 - (c) Shall not permit it to be kept in circumstances that may be offensive or likely to be injurious to health;
 - (d) Shall not permit or allow it at any time to destroy, tear or otherwise interfere with any refuse container whether the container is on private property or in a public place.

5.9 Permit to keep more than one dog

(1) No more than one dog of registrable age (whether or not such a dog is registered) may be kept on any premises unless:

(a) The owner or occupier is the holder of a kennel permit to keep two or more dogs; or

(b) The premises are zoned rural in the relevant Dunedin City Operating District Plan.

(c) Notwithstanding the exception in (b), if a justifiable complaint is received about any dog on the premises the Council may, in its discretion, require the owner to apply for and obtain a kennel permit for all dogs on the premises.

(2) No permit shall be granted to the owner or occupier of any premises if such premises by reason of inadequate fencing, size, location or detrimental effect on any other premises would be inappropriate for the housing of two or more dogs.

(3) If the property in which the dog owner resides is leased/rented, the written consent of the property owner is required to keep 2 dogs on that property before any consideration for a Kennel permit will be given. A copy of such consent must be forwarded to Council.

(4) A permit issued under this Clause is subject to the conditions set by the Council. Any breach of such conditions or other terms or restrictions shall be a breach of this Bylaw. Any permit may be revoked by the Council for breach of conditions or, in the event of change of circumstances relating to the premises, the owner or occupier thereof or the animals kept or remaining on such premises.

(5) Applications for permits to keep more than one dog shall be made on the form supplied by the Council and shall provide such information in respect of the application as the Council may reasonably require.

(6) There shall be paid to the Council for every such permit an Inspection fee which the Council may from time to time by resolution publicly notified prescribe, and on each 1st day of July following the date of issue, an annual fee may be charged for the following twelve months.

(7) The fee for such permits shall be payable in addition to the registration fees payable under the Dog Control Act 1996.

5.10 Impounding of dogs

When any contravention of Section 52 (1)(2) of the Act occurs, the dog may be impounded in a dog pound in accordance with Section 52(3) of the Dog Control Act 1996. Animal Control Officers may elect in some circumstances to require the owner of a continually offending dog to have the dog neutered or spayed.

5.11 Dog Control Fees

The Council will regularly review its dog control fees. Fees will be set by resolution, publicly notified and advertised.

SCHEDULE

(A) Designated Dog Exercise Areas

Rotary Park – Highcliff Road
 Forrester Park – Norwood Street
 Brockville Park – adjacent to Dalziel Road
 Cemetery Road – East Taieri
 Shand Park – Brighton Road, Green Island
 Reserve at corner of Wakari and Taieri Roads
 Kew Park – Corner of Easter Cres and Forbury Road

(NOTE: dogs are not permitted in children's playgrounds or on marked sports grounds adjacent to any of these Exercise Areas).

(B) Tracks and Reserves where Dogs are Allowed

Controlled dogs permitted without a leash unless otherwise specified.

Dunedin City

Market Reserve – Princes Street
 Bethunes Gully
 Ferntree (on a leash)
 Leith Valley Scenic Reserves (DOC)
 Ocean Beach Domain
 Ocean Grove Recreation Reserve
 Ross Creek (on a leash)
 Frasers Gully
 Woodhaugh Gardens (on a leash on defined walking Tracks only)

Flagstaff

Flagstaff/Swampy
 Jim Freeman Track
 Nicols Falls
 Pineapple Track (on a leash)
 Whare Flat

North of Dunedin

Aramoana Beach (DOC)
 Bucklands Crossing
 Cleghorn Street
 Doctors Point
 Evansdale Glen
 Huriawa Pa (DOC)
 Karitane Esplanade Reserve

Long Beach Recreation Reserve
 Mapoutahi Pa (DOC)
 Purakanui Recreation Reserve
 Ravensbourne Signal Hill
 Scott Memorial
 Truby King Reserve (on a leash)
 Waikouaiti Recreation Reserve
 Waikouaiti River Foreshore and Duncansby Street River Reserve (on a leash)
 Warrington Recreation Reserve

Peninsula

Alans Beach (DOC)
 Bacon Street to Highcliff Road
 Camp Road
 Greenacres Street
 Karetai Road

Silverstream

Racemans

South of Dunedin

Brighton Recreation Reserve
 Island Park Recreation Reserve
 Ocean View Recreation Reserve
 Westwood Recreation Reserve

(C) Areas where a Hunting Permit is Required

Permits are necessary to take your dog into the following areas for hunting purposes.

Allans Beach Wildlife Management Reserve (DOC)
 Chalkies (DOC)
 Maungatua Scenic Reserve (DOC)
 Silverpeaks (DOC)
 Woodside Glen Track (DOC)
 Taieri Gorge Scenic Reserve (Outram Glen) (DOC)

NOTE: All are Dunedin City Council tracks unless otherwise stated.

(D) Areas where Dogs are Prohibited

Areas laid out and equipped as children's playgrounds. The designated playing area of all sports grounds. All cemeteries.

COMMERCIAL AREAS:

The Octagon, the Civic Centre, the Library Plaza and those areas of Princes Street and George Street which lie between the Exchange and Knox Church, King Edward Street, South Dunedin between Hillside and Macandrew Roads.

Except

This prohibition does not apply to guide-dogs for the blind, police dogs and dogs being used by security guards, working dogs, dogs confined in an efficient container, or securely confined in or by lead or restraint on a vehicle. No offence shall be committed when a dog securely controlled by means of a lead, leash or chain is being taken through the defined area to the nearest area where the dog may be exercised by a resident of the defined area.

Beach Areas:

Designated areas of bathing beaches (other than St Clair Beach and Brighton Beach) these areas being between the flags where life guards mark the safe areas for swimming during periods when daylight saving is in force.

St Clair Beach and Esplanade:

- (a) All of the beach from the Salt Water Pool to the nearest piles on the beach to the north.
- (b) The park on Victoria Road adjoining the playground area, the playground area itself and the sealed area adjacent to this that starts at the Esplanade and extends past the Surf Club to the beach track.
- (c) The Esplanade area which fronts and runs parallel to the sea wall to where it meets Beach Street to the south.
- (d) The asphalt carpark that is accessed from the Esplanade.
- (e) The reserves park situated between the asphalt carpark that is accessed from the Esplanade and Bedford Street.

Except

That an access for persons walking their dogs be allowed through the no dog area from the corner of Bedford Street and Victoria Road in a direct line up the Forbury Road extension, in front of the Surf Club and on to where the walking track begins and from this point onto the beach to the piles, where the dog may be released. Dogs would only be allowed on this specific area when being led and when being taken past the northern most piles.

Except

That when access from the walking track to the beach is not possible because of high tides or washouts on the track, dog owners may access the beach by means of the steps closest to the Surf Club and then proceeding in a direct line to the piles to the north.

Brighton Beach:

All of the area within the bay from the Big Rock to the small cliff at the North end of the domain including the estuary and all of the beach within the confines of Brighton Road.

The Macandrew Bay Beach Reserve

The Ocean Grove Sand Dunes reclamation area

Pilots Beach Recreational Reserve

The Broad Bay Beach Reserve

CONSERVATION ACT 1987 AREAS:

Okia Reserve, Boulder Beach, 41 Peg Road, District Road, Paradise Road, Ridge Road, Nyhon Road, Bacon Street.

Extension to Nyhon Road, Bacon Street side road to Portobello.

Buskin Road (Otago Peninsula)

Lighthouse Reserve (Taiaroa Head)

Woodside Glen (Outram)

PARKS, TRACKS AND RESERVES:

The Botanic Gardens

Woodhaugh Gardens (other than on defined bush walking tracks).

Highcliff Road to Hoopers Inlet

Lime Kilns

McTaggart Street

Mount Charles
 Okia (Victory Beach)
 Paradise Road
 Pipikaretu Beach
 Quion Cliff
 Sandfly Bay (DOC)
 Sandymount to Sandfly Bay (DOC)
 Sandymount Track Network (DOC)
 Seal Point Road to Sandfly Bay
 Taiaroa Head (DOC) (DCC)

West of Dunedin

Deep Stream Scenic Reserve (DOC)
 Grangers Road Track (DOC)
 Hyde-Middlemarch Rail Trail (DOC)
 Mill Creek Track (DOC)
 Outram Glen to Lee Stream (DOC)
 Sutton Salt Lake Scenic Reserve (DOC)

North of Dunedin

Aramoana-Hayward Point (DOC)
 Careys Creek (DOC)
 Grahams Bush Walk (DOC)
 Hawksbury Lagoon (DOC)
 Leith Saddle (DOC)
 Matanaka (DOC)
 Organ Pipes (DOC)
 Mount Cargill (DOC)
 Orokonui (DOC)
 Sir A H Reed Memorial Track

South of Dunedin

The Green Island Nature Reserve (an island) (DOC)
 Tunnel Beach (DOC)

Dunedin City

Burns Park (Signal Hill)
 Goat Island (DOC)
 Quarantine Island (DOC)

DOG CONTROL BYLAW 2016

1 Title and Commencement

- (1) The Dunedin City Council makes the Dunedin City Dog Control Bylaw 2016 pursuant to section 20 of the Dog Control Act 1996 and section 145 of the Local Government Act 2002.
- (2) This bylaw is administered by the Dunedin City Council.
- (3) This bylaw comes into force on 1 June 2016.

2 Former Bylaws Revoked

- (1) The Dunedin City Council Dog Control Bylaw 2004 is revoked on 1 June 2016.
- (2) All bylaws of the Dunedin City Council already in force must be read subject to this bylaw.
- (3) In the event of conflict between the provisions of any former bylaw and the provisions of this bylaw, the provisions of this bylaw shall prevail.

3 Purpose

- (1) The purpose of this bylaw is to give effect to the Dunedin City Dog Control Policy 2016 by:
 - (a) Protecting the well-being and safety of both animals and people;
 - (b) Regulating the public places where a dog may be taken by its owner, and the method of control of the dog; and
 - (c) Limiting the number of dogs that may be kept on any premises;
 - (d) Requiring the owner of any dog that defecates in any public place to immediately remove the faeces; and
 - (e) Requiring the owner to neuter a dog which has not been kept under control on more than one occasion.
 - (f) Provide for the enforcement of this bylaw by prescribing offences for contravening or permitting a contravention of this bylaw.

4 Interpretation

In this Bylaw, unless the context requires otherwise -

Act – means the Dog Control Act 1996

Animal Control Officer – has the same meaning as ‘Dog Control Officer’ as appointed under section 11 of the Act.

Cemetery – means any land or premises for the burial and/or cremation of the dead and includes a closed cemetery and Urupa (Maori burial ground).

Commercial Areas – means

- (a) the Octagon, the Civic Centre, the Library Plaza and those areas of Princes Street and

George Street which lie between the Exchange and Knox Church or
(b) King Edward Street, South Dunedin between Hillside and Macandrew Roads.

Dangerous dog – means a dog classified in accordance with section 31 of the Act.

Disability assist dog – has the same meaning given to it in section 2 of the Act.

District – means that area within the Dunedin City Council territorial authority boundaries.

Dog control fee - means any fee prescribed under section 37 of the Act.

Dog control officer - means a dog control officer appointed under section 11 of the Act and includes a warranted officer exercising powers under section 17 of the Act.

Designated Dog exercise area - means an area that is designated by Dunedin City Council resolution for use as a place for exercising dogs and includes a designated dog exercise area and small dog park.

Dog ranger - means a dog ranger appointed under section 12 of the Act, and includes an honorary dog ranger.

Domestic animal - includes—

- (a) any animal (including a bird or reptile) kept as a domestic pet;
- (b) any working dog; or
- (c) any other animal kept by any person for recreational purposes or for the purposes of that person's occupation or employment.

Infringement offence - has the meaning given to it in section 65(1) of the Act.

Marked Playing Surfaces – is that area of land in use for sports activities (excluding golf courses)

Menacing dog - means a dog classified in accordance with section 33A or section 33C of the Act.

Neutered dog - means a dog that has been spayed or castrated and does not include a dog that has been vasectomised.

Owner – means every person who:

- (a) Owns a dog; or
- (b) Has possession of the dog, whether the dog is at large or in confinement, otherwise than for the sole purpose of restoring a lost dog to its owner; or
- (c) Is the parent or guardian of and shares a household with a person under the age of 16 years who is the owner of the dog pursuant to paragraph (a) or (b) of this definition: but does not include any person who has seized or taken custody of the dog under the Dog Control Act 1996 or the Animal Protection Act 1960 or any regulation made under either of those Acts.

Playground - means any children's playground equipment provided or maintained by the Council for public use and includes a skateboarding facility.

Private way - has the meaning given to it by section 315(1) of the Local Government Act 1974.

Protected wildlife – means

- (a) Any animal for the time being absolutely protected pursuant to section 3 of the Wildlife Act 1953; and
- (b) Any animal for the time being partially protected pursuant to section 5 of the Wildlife Act 1953, other than an animal in such circumstances that it may be hunted or killed under the authority of subsection (2) of that section; and

(c) Any animal that is a marine mammal within the meaning of the Marine Mammals Protection Act 1978.

Public Place – means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place and includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward.

Registration year - has the same meaning as that given to the term “financial year” by section 5 of the Local Government Act 2002. Currently this is defined as from the 1st day of July in any one year to the 30th day of June the following year.

Residential zoned land - as identified in the operative District Plan.

Rural-residential zoned land - as identified in the operative District Plan.

Road – has the same meaning as in section 315 of the Local Government Act 1974.

Small breed dog park - means a designated dog exercise area in which only dogs weighing less than eight kilograms may be permitted.

Stock – means

- (a) Any live horse, cattle, sheep, swine, alpaca, llama, bison, donkey, hinny, mule, or water buffalo that is not in a wild state:
- (b) Any deer, goat, tahr, rabbit, possum, or other animal that is kept within a fence or enclosure for domestic or farming purposes

Warranted officer - means any person who is for the time being a warranted officer within the meaning of the Conservation Act 1987.

Working Dog – Has the same definition as in the Act and includes:

- (a) any disability assist dog
- (b) any dog:
 - i. kept by the Police or any constable, the Customs Department, the Ministry for Primary Industries or the Ministry of Defence, or any officer or employee of any such Department of State solely or principally for the purposes of carrying out the functions, powers, and duties of the Police or the Department of State or that constable, officer, or employee; or,
 - ii. kept solely or principally for the purposes of herding or driving stock; or,
 - iii. kept by the Department of Conservation or any officer or employee of that department solely or principally for the purposes of carrying out the functions, duties, and powers of that department; or, kept solely or principally for the purposes of destroying pests or pest agents under any pest management strategy under the Biosecurity Act 1993; or
 - iv. kept by the Department of Corrections or any officer or employee of that Department solely or principally for the purposes of carrying out the functions, duties, and powers of that Department; or
 - v. kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of that Service solely or principally for the purposes of carrying out the functions, duties, and powers of that Service; or
 - vi. certified for use by the Director of Civil Defence Emergency Management for the

purposes of carrying out the functions, duties, and powers conferred by the Civil Defence Emergency Management Act 2002; or

- vii. owned by a property guard as defined in section 9 of the Private Security Personnel and Private Investigators Act 2010 or a property guard employee as defined in section 17 of that Act, and kept solely or principally for the purpose of doing the things specified in section 9(1)(a) to (c) of that Act; or
- viii. declared by resolution of the territorial authority to be a working dog for the purposes of the Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution and does not include a dog kept for the purpose of recreational hunting.

5 Shelter for Dogs

- (1) The owner of any dog must provide:
 - (a) a weatherproof kennel of adequate size and on well drained land, or other place of confinement (which may include any dwelling); and
 - (b) access to clean water and food; and
 - (c) clean and sanitary conditions.
- (2) Where a premise is unfenced, the owner of a dog must restrain the dog by a fixed chain or running wire which allows the dog free movement.
- (3) No owner of any dog shall keep it in any kennel or place of confinement within two metres to any boundary of neighbouring premises. This clause does not apply to dogs confined within a dwelling house.

6 Control of Dogs

- (1) The owner and any person for the time being having charge of any dog shall ensure that the dog does not enter or remain in any public place unless it is under continuous control on a leash except:
 - (a) in designated dog exercise areas described in Schedule A; and
 - (b) areas described in Schedule B as permitting dogs to be off leash but only between half an hour before sunrise until half an hour after sunset; and
 - (c) areas described in Schedule C; and
 - (d) Any other areas shown in the Schedule E maps as being permitted off leash but only between half an hour before sunrise until half an hour after sunset.
- (2) Owners must ensure that dogs off leash are under effective control at all times, and that any restrictions described in any schedule are complied with.
- (3) Clause 6(1) does not apply to a working dog carrying out the work in respect of which the dog has been registered.
- (4) Dog owners must carry a leash with them at all times.
- (5) Dog owners must place their dogs on a leash within 20 metres of protected wildlife.

(Explanatory note: On roads, a dog must be leashed at all times. A road is all land laid out as a street or a road and includes a footpath used by pedestrians and paper roads vested in Council.)

7 Designated Dog Exercise Areas

Dogs weighing more than eight kilograms may not be allowed inside the boundaries of any small dog park.

8 Public Places in which Dogs are Prohibited

- (1) Dogs are prohibited at all times in those places listed in Schedule D.
- (2) If, in the opinion of the Animal Control Officer, there is or is likely to be harm caused to people or animals in any area, temporary prohibitions of the entry of dogs may be made to specified places. The temporary prohibition will take effect from the time signage is placed at the points of entry to the affected area and will end when signage is removed by an Animal Control Officer.
- (3) The Council may, by resolution, make areas permanently prohibited to dogs.
- (4) Permanent prohibitions will be publicly notified.

9 Fouling in Public Places

- (1) The owner of any dog that is in a public place must carry and display a bag or other receptacle suitable for the removal of faeces.
- (2) The owner of any dog that defecates in a public place or on land or premises other than that occupied by the owner must immediately remove the faeces.
- (3) Where a public litter bin or similar receptacle is used to dispose of the faeces, they must be suitably wrapped or contained to prevent fouling the receptacle.

10 Infectious or Diseased Dogs

- (1) No person being the owner or having control or charge of any infectious or diseased dog may take that dog into any public place except while being taken to a veterinary clinic.

11 Female dogs in Season

- (1) Every person that is the owner of any female dog in season must at all times keep that dog confined so that it does not enter or remain on any place except the premises occupied by the owner.
- (2) Any female dog in season must be adequately exercised only on private land occupied by the owner of the dog or other private land with the consent of the occupier.
- (3) Clause 8(1) does not apply when that dog is being taken to a veterinary clinic.

12 Dogs Adopted from the Pound

The owner of any dog adopted from the Council pound must present a certificate to an Animal Control Officer stating the dog is a neutered dog within one month of the adoption date.

13 Nuisances

- (1) If, in the opinion of the Council, any dog or dogs on any premises has become or is likely to become a nuisance, the Council may, by notice in writing, require the owner or occupier of the premises within a time specified in such notice, to do all or any of the following:
 - a) Reduce the number of dogs kept on the premises;
 - b) Order the permanent removal of a particular dog on a property;
 - c) Construct, alter, reconstruct or otherwise improve the kennels, places of confinement or other buildings used to house or contain such dog or dogs;
 - d) Require such dog or dogs to be tied up or otherwise confined during specific periods;
 - e) Take such other action as the Council deems necessary to minimise or remove the likelihood of nuisance.
- (2) The owner of every dog shall ensure it does not create a nuisance by:
 - a) Obstructing the lawful passage of persons in public places;
 - b) Rushing and frightening persons in a public place or lawfully on private property;
 - c) Destroying, tear or otherwise interfere with any refuse container whether the container is on private property or in a public place.

14 Permit to Keep More Than One Dog

- (1) No more than one dog of registrable age (whether or not such a dog is registered) may be kept on any premises unless:
 - a) The owner or occupier is the holder of a permit to keep two or more dogs; or,
 - b) The premises are zoned rural or rural/residential in the operative Dunedin City District Plan.
- (2) No permit shall be granted to the owner or occupier of any premises if the premises by reason of inadequate fencing, size, location or detrimental effect on any other premises would be inappropriate for the housing of two or more dogs.
- (3) If the property in which the dog owner resides is leased/rented, the written consent of the property owner is required to keep two or more dogs on that property. A copy of this consent must be provided to the Council with the application for the permit.
- (4) A permit issued under this Clause is subject to the conditions set by the Council. Any breach of such conditions or other terms or restrictions shall be a breach of this Bylaw.
- (5) Any permit may be revoked by the Council for breach of conditions or, in the event of change of circumstances relating to the premises, the owner or occupier or the animals kept on the premises.
- (6) Applications for permits to keep more than one dog shall be made on the form supplied by the Council and shall provide such information in respect of the application as the Council may reasonably require.
- (7) There shall be paid to the Council for every such permit an inspection fee which the Council may from time to time by resolution publicly notified prescribe, and on each 1st day of July following the date of issue, an annual fee may be charged for the following 12 months.
- (8) The fee for such permits shall be payable in addition to the registration fees payable

under the Dog Control Act 1996.

15 Neutering of Dogs

The Council may require the owner of any dog (being a dog that, on a number of occasions, has not been kept under control) to have the dog neutered or spayed whether or not the owner of the dog has been convicted of an offence against section 53 of the Act.

16 Offences

- (1) Every person who contravenes or permits a contravention of this bylaw commits an offence.
- (2) Every person who commits an offence under this bylaw is liable to a penalty under section 242(4) of the Local Government Act 2002 or section 20(5) of the Dog Control Act 1996.

17 Savings

Every licence issued under the Dunedin City Council Dog Control Bylaw 2004 to keep more than one dog shall continue in effect unless revoked under clause 10.

SCHEDULE A - DESIGNATED DOG EXERCISE AREAS (maps in Schedule E)

Those areas marked with signs in the following locations and which are shown on the maps within Schedule E:

Cemetery Road – East Taieri

Forrester Park – Norwood Street

Kew Park – Corner of Easter Crescent and Forbury Road

Rotary Park – Highcliff Road

Shand Park – Brighton Road, Green Island

Shand Park – Brighton Road, Green Island – small breed dog park

Wakari Reserve

SCHEDULE B - AREAS WHERE SPECIFIC CONTROLS APPLY

(refer to maps in Schedule E)

(Explanatory Note: the written description of the areas listed below must be read together with the maps in Schedule E)

For all areas listed below, dogs may be off a leash unless otherwise stated (but only between half an hour before sunrise until half an hour after sunset).

Cemeteries

Dogs under continuous control on a leash are permitted in cemeteries owned by DCC.

Chisholm Park Golf Course

Schedule E outlines two areas of this golf course;

1. The area closest to the golf club permits dogs *on a leash*; and
2. The area closest to the beach (also termed Ocean Beach Domain) permits dogs *without a leash*.

Sports grounds (excluding DCC owned golf courses)

Dogs are permitted *off a leash* on DCC owned sports grounds in areas that are not marked playing fields and must be *on a leash* when games are being played.

South of Dunedin

Brighton Recreation Reserve (dogs must be under continuous control on a leash in dune areas)

Island Park Recreation Reserve (dogs must be under continuous control on a leash in dune areas)

Ocean View Recreation Reserve (dogs must be under continuous control on a leash in dune areas)

Otokia Creek track to the start of Brighton Beach (on a leash) Westwood Recreation Reserve

Woodside Glen Track (DCC and DOC)

Smaills Beach

Dogs to be on a leash on the beach east of the middle track and may be off the leash to the west of the track, subject to temporary bans when required for wildlife protection purposes.

Other Areas

Any other area marked on the maps in schedule E as "allowed off leash".

SCHEDULE C - AREAS WHERE A HUNTING PERMIT IS REQUIRED

(refer to maps in Schedule E)

Permits are necessary to take your dog into the following areas for hunting purposes:

Allans Beach Wildlife Management Reserve (DOC)

Chalkies (DOC)

Maungatua Scenic Reserve (DOC) Silverpeaks (DOC)

Taieri Gorge Scenic Reserve – Outram Glen (DOC)

Woodside Glen Track (DOC)

SCHEDULE D - AREAS WHERE DOGS ARE PROHIBITED

Commercial areas*

The Octagon, the Civic Centre, the Library Plaza and those areas of Princes Street and George Street which lie between the Exchange and Knox Church.

King Edward Street, South Dunedin between Hillside and Macandrew Roads

***Except**

This prohibition does not apply to disability assist dogs, police dogs and dogs being used by security guards, working dogs, dogs confined in an efficient container, or securely confined in or by lead or restraint on a vehicle. No offence shall be committed when a dog securely controlled by means of lead, leash or chain is being taken through the defined area to the nearest area where the dog may be exercised by a resident of the defined area.

Children's Playgrounds

Areas developed and equipped as children's playgrounds.

Sports Grounds

On all **marked playing surfaces** (excluding DCC owned golf courses).

Protected Wildlife

Areas that from time to time the Council will notify by way of signage and advertising that there is a temporary dog prohibition in place because of the presence of wildlife or stock.

Beach Areas

Designated areas of bathing beaches where lifeguards mark the safe areas for swimming by the placement of flags.

Brighton Beach

All of the area within the bay from the Big Rock to opposite 909 Brighton Road at the North end of the domain including Barneys Island and all of the beach within the confines of Brighton Road.

St Clair Beach and Esplanade

- a) All of the beach from the Salt Water Pool to the northern end of the sea wall, **except**, dogs *on a leash* may have access to the beach between 8.00pm and 8.00am the following day.
- b) The park on Victoria Road adjoining the playground area and the playground area itself.

Recreation

Broad Bay Beach Reserve Botanic Garden

Macandrew Bay Beach Reserve

Woodhaugh Gardens (other than on defined walking tracks).

Conservation/Wildlife Areas

Allans Beach north east of where access track enters the beach (DOC)
Aramoana Beach from Keyhole Rock north to Heyward Point (DOC)
Aramoana Ecological Area – salt marsh and wetland (DOC)
Aramoana-HeywardPoint (DOC)
Boulder Beach (DOC)
Burns Park (DOC)
Careys Creek (DOC)
Deep Stream Scenic Reserve (DCC and DOC) Grahams Bush Walk (DOC)
Grangers Road Track (DOC)
Leith Saddle (DOC)
Hereweka/Harbour Cone (Dogs not permitted except for farm management purposes (DCC)
Hyde-Middlemarch Rail Trail (DOC)
Goat Island (DOC)
Lighthouse Reserve (Taiaroa Head and DCC)
Matanaka (DOC)
Mount Cargill (DCC)
Mill Creek Track (DOC)
Okia Reserve (DCC and Yellow Eyed Penguin Trust)
Organ Pipes (DCC)
Orokonui (DOC)
Otekiho Reserve (DCC and Yellow Eyed Penguin Trust)
Outram Glen to Lee Stream (DOC)
Pilots Beach Recreational Reserve (DCC)
Quarantine Island (DOC)
Sandymount and associated track network (DOC)
Sandfly Bay (DOC)
Seal Point Road to Sandfly Bay (DOC)
Sutton Salt Lake Scenic Reserve (DOC)
Taiaroa Head (DCC and DOC)
Tunnel Beach (DOC)
Victory Beach (Yellow Eyed Penguin Trust)
Warrington Spit and Rabbit Island – from the first break water point from the north (DCC)

Tracks

41 Peg Track District Road
Aramoana – Heyward Point Track (DOC)

Buskin Road (Otago Peninsula)

Highcliff Road to Hoopers Inlet Lime Kilns (Private)

Mount Charles (Private and DOC)

Nyhon Track

Paradise Road and Track

Pipikaretu Beach (Private)

Quoin Cliff (Private)

Track Ridge Road Track

SCHEDULE E – Maps

- (1) This schedule comprises a map describing showing areas where dogs are prohibited, must be under continuous control on a leash or are allowed off leash. The maps, together with the written description of areas in schedules A - D form part of this bylaw.

Explanatory Note: The maps are attached to this Bylaw and are also available on <https://apps.dunedin.govt.nz/webmaps/DogControlBylaw2016/>

**Reprint
as at 14 December 2019**



Dog Control Act 1996

Public Act	1996 No 13
Date of assent	2 May 1996
Commencement	see section 1(2)

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This Act is administered by the Department of Internal Affairs.

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An Act—

- (a) to make better provision for the control of dogs; and
- (b) to make better provision in relation to damage caused by dogs; and
- (c) to repeal the Dog Control and Hydatids Act 1982 and its amendments

1 Short Title and commencement

- (1) This Act may be cited as the Dog Control Act 1996.
- (2) Except as provided in sections 10(9) and 37(9), this Act shall come into force on 1 July 1996.

2 Interpretation

In this Act, unless the context otherwise requires,—

disability assist dog means a dog certified by one of the organisations listed in Schedule 5 as being a dog that has been trained (or is being trained) to assist a person with a disability

district means the district of a territorial authority

dog control fee means any fee prescribed under section 37

dog control officer means a dog control officer appointed under section 11; and includes a warranted officer exercising powers under section 17

dog ranger means a dog ranger appointed under section 12; and includes an honorary dog ranger

domestic animal includes—

- (a) any animal (including a bird or reptile) kept as a domestic pet;
- (b) any working dog;
- (c) any other animal kept by any person for recreational purposes or for the purposes of that person's occupation or employment

infringement offence has the meaning given to it in section 65(1)

Minister means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

neutered dog means a dog that has been spayed or castrated; and does not include a dog that has been vasectomised

owner, in relation to any dog, means every person who—

- (a) owns the dog; or
- (b) has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner; or
- (c) the parent or guardian of a person under the age of 16 years who—
 - (i) is the owner of the dog pursuant to paragraph (a) or paragraph (b); and
 - (ii) is a member of the parent or guardian's household living with and dependent on the parent or guardian;—

but does not include any person who has seized or taken custody of the dog under this Act or the Animal Welfare Act 1999 or the National Parks Act 1980 or the Te Urewera Act 2014 or the Conservation Act 1987 or any order made under this Act or the Animal Welfare Act 1999

poultry means any live bird (including a domestic fowl, a duck, a goose, a turkey, a guinea-fowl, a pheasant, an emu, an ostrich, a quail, or a pigeon) that is kept or raised for the purpose of sale or of producing eggs, hatching eggs, or poultry products or for the purpose of rearing on behalf of another person

private way has the meaning given to it by section 315(1) of the Local Government Act 1974

protected wildlife means—

- (a) any animal for the time being absolutely protected pursuant to section 3 of the Wildlife Act 1953; and

- (b) any animal for the time being partially protected pursuant to section 5 of the Wildlife Act 1953, other than an animal in such circumstances that it may be hunted or killed under the authority of subsection (2) of that section; and
- (c) any animal that is a marine mammal within the meaning of the Marine Mammals Protection Act 1978

public place—

- (a) means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and
- (b) includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward

register, as a noun, means a dogs register kept by a territorial authority under section 34

registration year has the same meaning as that given to the term financial year in section 5(1) of the Local Government Act 2002

specified agency—

- (a) means—
 - (i) the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990:
 - (ii) the Department of Conservation:
 - (iii) the Department of Corrections:
 - (iv) the Ministry of Agriculture and Forestry:
 - (v) the Ministry of Defence:
 - (vi) the Ministry of Fisheries:
 - (vii) the New Zealand Customs Service:
 - (viii) the New Zealand Defence Force:
 - (ix) the New Zealand Police; and
- (b) includes the Director of Civil Defence Emergency Management

stock means—

- (a) any live horse, cattle, sheep, swine, alpaca, llama, bison, donkey, hinny, mule, or water buffalo that is not in a wild state:
- (b) any deer, goat, tahr, rabbit, possum, or other animal that is kept within a fence or enclosure for domestic or farming purposes

territorial authority has the same meaning as in the Local Government Act 2002; but, except for the purposes of section 7 of this Act, does not include any

territorial authority that has united with any other territorial authority under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002

veterinarian has the meaning given to it in section 4 of the Veterinarians Act 2005

warranted officer means any person who is for the time being a warranted officer within the meaning of the Conservation Act 1987

working dog means—

- (a) any disability assist dog:
- (b) any dog—
 - (i) kept by the Police or any constable, the New Zealand Customs Service, the Ministry of Agriculture and Forestry, the Ministry of Fisheries, or the Ministry of Defence, or any officer or employee of any such department of State solely or principally for the purposes of carrying out the functions, powers, and duties of the Police or the department of State or that constable, officer, or employee; or
 - (ii) kept solely or principally for the purposes of herding or driving stock; or
 - (iii) kept by the Department of Conservation or any officer or employee of that department solely or principally for the purposes of carrying out the functions, duties, and powers of that department; or
 - (iv) kept solely or principally for the purposes of destroying pests or pest agents under any pest management plan under the Biosecurity Act 1993; or
 - (iva) kept by the Department of Corrections or any officer or employee of that department solely or principally for the purposes of carrying out the functions, duties, and powers of that department; or
 - (ivb) kept by the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990, or any officer or employee of that service solely or principally for the purposes of carrying out the functions, duties, and powers of that service; or
 - (ivc) certified for use by the Director of Civil Defence Emergency Management for the purposes of carrying out the functions, duties, and powers conferred by the Civil Defence Emergency Management Act 2002; or
 - (v) owned by a property guard as defined in section 9 of the Private Security Personnel and Private Investigators Act 2010 or a property guard employee as defined in section 17 of that Act, and kept solely or principally for the purpose of doing the things specified in section 9(1)(a) to (c) of that Act; or

- (vi) declared by resolution of the territorial authority to be a working dog for the purposes of this Act, or any dog of a class so declared by the authority, being a dog owned by any class of persons specified in the resolution and kept solely or principally for the purposes specified in the resolution.

Compare: 1982 No 42 s 2; 1990 No 27 s 42

Section 2 **companion dog**: repealed, on 28 June 2006, by section 4(1) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 2 **disability assist dog**: replaced, on 21 March 2019, by section 4 of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).

Section 2 **district**: substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 2 **guide dog**: repealed, on 28 June 2006, by section 4(1) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 2 **hearing ear dog**: repealed, on 28 June 2006, by section 4(1) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 2 **Minister**: inserted, on 1 December 2003, by section 3(1) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 2 **owner**: amended, on 28 July 2014, by section 138 of the Te Urewera Act 2014 (2014 No 51).

Section 2 **owner**: amended, on 1 January 2000, by section 194 of the Animal Welfare Act 1999 (1999 No 142).

Section 2 **register**: inserted, on 28 June 2006, by section 4(2) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 2 **registration year**: substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 2 **specified agency**: inserted, on 1 December 2003, by section 3(2) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 2 **stock** paragraph (b): amended, on 12 December 2012, by section 4 of the Dog Control Amendment Act 2012 (2012 No 100).

Section 2 **territorial authority**: substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 2 **veterinarian**: inserted, on 28 June 2006, by section 4(2) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 2 **working dog** paragraph (a): substituted, on 28 June 2006, by section 4(3) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 2 **working dog** paragraph (b)(i): amended, on 1 March 1998, pursuant to section 5(1)(c) of the Ministries of Agriculture and Forestry (Restructuring) Act 1997 (1997 No 100).

Section 2 **working dog** paragraph (b)(i): amended, on 1 October 1996, pursuant to section 294(1) of the Customs and Excise Act 1996 (1996 No 27).

Section 2 **working dog** paragraph (b)(iv): amended, on 18 September 2012, by section 93 of the Biosecurity Law Reform Act 2012 (2012 No 73).

Section 2 **working dog** paragraph (b)(iva): inserted, on 1 December 2003, by section 3(3) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 2 **working dog** paragraph (b)(ivb): inserted, on 1 December 2003, by section 3(3) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 2 **working dog** paragraph (b)(ivc): inserted, on 1 December 2003, by section 3(3) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 2 **working dog** paragraph (b)(v): substituted, on 1 April 2011, by section 121(1) of the Private Security Personnel and Private Investigators Act 2010 (2010 No 115).

3 Act to bind the Crown

Except as provided in sections 57(7) and 63(2), this Act shall bind the Crown.

Compare: 1982 No 42 s 3

Objects

4 Objects

The objects of this Act are—

- (a) to make better provision for the care and control of dogs—
 - (i) by requiring the registration of dogs; and
 - (ii) by making special provision in relation to dangerous dogs and menacing dogs; and
 - (iii) by imposing on the owners of dogs, obligations designed to ensure that dogs do not cause a nuisance to any person and do not injure, endanger, or cause distress to any person; and
 - (iv) by imposing on owners of dogs obligations designed to ensure that dogs do not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife; and
- (b) to make provision in relation to damage caused by dogs.

Section 4(a)(ii): amended, on 1 December 2003, by section 4 of the Dog Control Amendment Act 2003 (2003 No 119).

5 Obligations of dog owners

- (1) The obligations imposed on dog owners by this Act require every owner of a dog—
 - (a) to ensure that the dog is registered in accordance with this Act, and that all relevant territorial authorities are promptly notified of any change of address or ownership of the dog;
 - (b) to ensure that the dog is kept under control at all times;
 - (c) to ensure that the dog receives proper care and attention and is supplied with proper and sufficient food, water and shelter;
 - (d) to ensure that the dog receives adequate exercise;
 - (e) to take all reasonable steps to ensure that the dog does not cause a nuisance to any other person, whether by persistent and loud barking or howling or by any other means;
 - (f) to take all reasonable steps to ensure that the dog does not injure, endanger, intimidate, or otherwise cause distress to any person;

- (g) to take all reasonable steps to ensure that the dog does not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife:
 - (h) to take all reasonable steps to ensure that the dog does not damage or endanger any property belonging to any other person:
 - (i) to comply with the requirements of this Act and of all regulations and bylaws made under this Act.
- (2) Nothing in this Act limits the obligations of any owner of a dog to comply with the requirements of any other Act or of any regulations or bylaws regulating the control, keeping, and treatment of dogs.

Functions, duties, and powers of territorial authorities

6 Functions, duties, and powers of territorial authorities

- (1) Every territorial authority shall perform any function or duty and may exercise any power imposed or conferred on it by this Act.
- (2) In addition to any power conferred on a territorial authority by this Act, any territorial authority may,—
 - (a) either singly or jointly with any other territorial authority or any other organisation or group or body of persons (whether incorporated or not) undertake, promote, and encourage the development of such services and programmes as it considers desirable to promote responsible dog ownership and the welfare of dogs:
 - (b) make grants to any organisation or group or body of persons (whether incorporated or not) whose objects include the care, custody, training, or welfare of dogs or the instruction or education of persons concerning such care, custody, training, or welfare:
 - (c) engage in publicity for the purposes of this Act.

Compare: 1982 No 42 s 5

7 Power to appoint joint committees

- (1) Subject to this section, any territorial authority may unite with 1 or more territorial authorities in appointing a joint committee under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002 for the purposes of this Act.
- (2) No territorial authority may unite under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002 for the purposes of this Act with any local authority or public body that is not a territorial authority.
- (3) Except as otherwise provided in this Act, where any territorial authorities unite under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002 for the purposes of this Act,—

- (a) the joint committee appointed under that clause is, for the purposes of this Act, deemed to be a territorial authority and has all the functions, duties, and powers conferred on a territorial authority by this Act; and
 - (b) the district of each of the territorial authorities that so unite are, for the purposes of this Act, deemed to be the district of that territorial authority; and
 - (c) except as provided in this section, the territorial authorities that so unite may not perform any function or exercise any power under this Act.
- (4) Where any territorial authorities unite under clause 30(1)(b) of Schedule 7 of the Local Government Act 2002 for the purposes of this Act, the joint committee may delegate to any of the territorial authorities that so unite any of the functions, duties, and powers conferred on that joint committee by this Act, other than the functions, duties, and powers conferred on it by sections 10, 11, 37, 38, and 39.
- (5) Every delegation under subsection (4) is revocable at will, and no such delegation prevents the exercise of any power by the joint committee.

Section 7: substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

8 Performance of functions

[Repealed]

Section 8: repealed, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

9 Revenue

All money received and retained by a territorial authority under this Act shall be expended only for purposes authorised by or under this Act.

10 Duty of territorial authorities to adopt policy on dogs

- (1) Every territorial authority must adopt, in accordance with the special consultative procedure set out in section 83 of the Local Government Act 2002, a policy in respect of dogs in the district of the territorial authority.
- (2) For the purposes of subsection (1), the territorial authority must, under section 83(1)(e) of the Local Government Act 2002, give notice of the draft policy to every person who is, according to its register, the owner of a dog.
- (3) Every policy adopted under this section—
 - (a) shall specify the nature and application of any bylaws made or to be made under section 20; and
 - (b) shall identify any public places in which dogs are to be prohibited, either generally or at specified times, pursuant to a bylaw made under section 20(1)(a); and
 - (c) shall identify—
 - (i) any particular public places; and

- (ii) any areas or parts of the district,—
in which dogs (other than working dogs) in public places are to be required by a bylaw made under section 20(1)(b) to be controlled on a leash; and
 - (d) shall identify those areas or parts of the district in respect of which no public places or areas are to be identified under paragraph (b) or paragraph (c); and
 - (e) shall identify any places within areas or parts of the district specified in paragraph (c)(ii) of this subsection that are to be designated by a bylaw under section 20(1)(d) as dog exercise areas in which dogs may be exercised at large; and
 - (ea) must state whether dogs classified by the territorial authority as menacing dogs under section 33A or 33C are required to be neutered under section 33E(1)(b) and,—
 - (i) if so, whether the requirement applies to all such dogs; and
 - (ii) if not, the matters taken into account by it in requiring any particular dog to be neutered; and
 - (eb) must state whether dogs classified by any other territorial authority as menacing dogs under section 33A or 33C are required to be neutered under section 33EB(2) if the dog is registered with the territorial authority and,—
 - (i) if so, whether the requirement applies to all such dogs; and
 - (ii) if not, the matters taken into account by it in requiring any particular dog to be neutered; and
 - (f) shall include such other details of the policy as the territorial authority thinks fit including, but not limited to, details of the policy in relation to—
 - (i) fees or proposed fees; and
 - (ii) owner education programmes; and
 - (iii) dog obedience courses; and
 - (iv) the classification of owners; and
 - (v) the disqualification of owners; and
 - (vi) the issuing of infringement notices.
- (4) In adopting a policy under this section, the territorial authority must have regard to—
- (a) the need to minimise danger, distress, and nuisance to the community generally; and

- (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, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and
 - (d) the exercise and recreational needs of dogs and their owners.
- (5) Every statement or publication of a policy adopted under this section—
 - (a) shall identify any land within the district that is included in—
 - (i) a controlled dog area or open dog area under section 26ZS of the Conservation Act 1987; or
 - (ii) a national park constituted under the National Parks Act 1980; or
 - (iii) Te Urewera, as defined in section 7 of the Te Urewera Act 2014; and
 - (b) may contain such other information and advice in relation to dogs as the territorial authority thinks fit.
- (6) The territorial authority must give effect to a policy adopted under this section—
 - (a) by making the necessary bylaws under section 20, which must come into force not later than the 60th day after the adoption of the policy; and
 - (b) by repealing, before the 60th day after the adoption of the policy, any bylaws that are inconsistent with the policy.
- (7) No territorial authority shall make any bylaw that is inconsistent with the policy under this section that, at the time of the making of the bylaw, is in force in its district.
- (8) The territorial authority may, at any time, adopt, in accordance with the special consultative procedure, an amended policy under this section and this section shall apply, with the necessary modifications, to the adoption of that amended policy.
- (8A) The adoption of a policy or amended policy in accordance with this section satisfies the requirements of sections 86, 155, and 156(1) of the Local Government Act 2002 in respect of any bylaw to which subsection (6) applies.
- (9) This section shall come into force on the day on which this Act receives the Royal assent.
- (10) Subsection (8) applies subject to section 10AA.

Section 10(1): substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 10(2): substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 10(2): amended, on 28 June 2006, by section 29(1) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 10(3)(ea): inserted, on 28 June 2006, by section 5(1) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 10(3)(eb): inserted, on 28 June 2006, by section 5(1) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 10(4): substituted, on 1 December 2003, by section 5(1) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 10(5)(a)(ii): amended, on 28 July 2014, by section 138 of the Te Urewera Act 2014 (2014 No 51).

Section 10(5)(a)(iii): inserted, on 28 July 2014, by section 138 of the Te Urewera Act 2014 (2014 No 51).

Section 10(6): substituted, on 1 December 2003, by section 5(2) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 10(6)(a): amended, on 28 June 2006, by section 29(2) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 10(8A): inserted, on 1 December 2003, by section 5(3) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 10(10): added, on 28 June 2006, by section 5(3) of the Dog Control Amendment Act 2006 (2006 No 23).

10AA Local authority must review policy if bylaw implementing policy requires review

- (1) This section applies if a bylaw to which section 10(6)(a) applies is required (by the operation of section 20(4)) to be reviewed by a territorial authority under section 158 or 159 of the Local Government Act 2002.
- (2) The territorial authority must review the bylaw by making the determinations required by section 155 of that Act in the context of a reconsideration of the matters in section 10(4) of this Act.
- (3) If, after the review, the territorial authority considers that the bylaw should be amended, revoked, or revoked and replaced, it must—
 - (a) deal with the bylaw under section 156 of the Local Government Act 2002; and
 - (b) if appropriate, amend its policy under section 10 of this Act.
- (4) If, after the review, the territorial authority considers that the bylaw should continue without amendment, it must use the special consultative procedure set out in section 83 of the Local Government Act 2002.
- (5) For the purposes of subsection (4), the statement of proposal referred to in section 83(1)(a) of that Act must include—
 - (a) a draft of the bylaw to be continued; and
 - (b) the reasons for the proposal, including the determinations made by the territorial authority under subsection (2).

Section 10AA: inserted, on 28 June 2006, by section 6 of the Dog Control Amendment Act 2006 (2006 No 23).

10A Territorial authority must report on dog control policy and practices

- (1) A territorial authority must, in respect of each financial year, report on the administration of—
 - (a) its dog control policy adopted under section 10; and
 - (b) its dog control practices.
- (2) The report must include, in respect of each financial year, information relating to—
 - (a) the number of registered dogs in the territorial authority district;
 - (b) the number of probationary owners and disqualified owners in the territorial authority district;
 - (c) the number of dogs in the territorial authority district classified as dangerous under section 31 and the relevant provision under which the classification is made;
 - (d) the number of dogs in the territorial authority district classified as menacing under section 33A or section 33C and the relevant provision under which the classification is made;
 - (e) the number of infringement notices issued by the territorial authority;
 - (f) the number of dog related complaints received by the territorial authority in the previous year and the nature of those complaints;
 - (g) the number of prosecutions taken by the territorial authority under this Act.
- (3) The territorial authority must—
 - (a) give public notice, as defined in section 5(1) of the Local Government Act 2002, of the report; and
 - (b) make the report publicly available, as described in section 5(3) of that Act.

(4) [Repealed]

Section 10A: inserted, on 1 December 2003, by section 6 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 10A(3): replaced, on 21 March 2019, by section 5 of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).

Section 10A(4): repealed, on 21 March 2019, by section 5 of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).

*Dog control officers and dog rangers***11 Dog control officers**

- (1) Every territorial authority shall appoint 1 or more dog control officers or enter into an agreement under section 16(2) for the provision of the services of a dog control officer in its district, and may appoint such other staff as it considers necessary for the purposes of this Act.

- (2) No person shall be appointed as a dog control officer unless the territorial authority or the person making the appointment on behalf of the territorial authority is satisfied, having regard to the education and experience of the person to be appointed, that that person is competent to perform the duties and exercise the powers of a dog control officer under this Act.

Compare: 1982 No 42 s 9; 1992 No 9 s 3(4)

12 Dog rangers

- (1) Any territorial authority may appoint 1 or more dog rangers.
- (2) Any person may be appointed as a dog ranger in an honorary capacity.

Compare: 1982 No 42 s 13

13 Dog control officer and dog ranger to produce warrant of authority and evidence of identity

- (1) Every dog control officer and dog ranger shall be supplied by his or her employer with a warrant of appointment as a dog control officer or dog ranger, as the case may be, and that warrant shall clearly show the district or districts in respect of which the dog control officer or dog ranger may exercise his or her powers.
- (2) Every dog control officer or dog ranger who exercises or purports to exercise any power conferred by this Act shall carry, and shall produce if required to do so, his or her warrant of appointment and evidence of his or her identity.

Compare: 1982 No 42 s 14(1), (3)

14 Power of entry

- (1) Where any dog control officer has good cause to suspect that an offence against this Act or against any bylaw made under this Act is being committed on any land or premises, the dog control officer, and all persons he or she calls to his or her assistance, may enter at any reasonable time onto the land or premises—
- (a) to inspect any dog for the time being appearing to be kept on that land or premises or to inspect the conditions in which any such dog is kept; and
 - (b) if authorised under any other provision of this Act, to seize or take custody of any dog on the land or premises.
- (2) Where any dog control officer has good cause to suspect that an offence against this Act or against any bylaw made under this Act has, at any time in the preceding 6 months, been committed in respect of any dog for the time being appearing to be kept on any land or premises, the dog control officer, and all persons he or she calls to his or her assistance, may enter at any reasonable time onto the land or premises—
- (a) to inspect any dog on the land or premises; and
 - (b) if authorised under any other provision of this Act, to seize or take custody of any dog on the land or premises.

- (3) Nothing in this section shall authorise any dog control officer to enter any dwellinghouse unless—
 - (a) the entry is authorised by a warrant given by an issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) on application by a dog control officer in the manner provided in subpart 3 of Part 4 of the Search and Surveillance Act 2012; and
 - (b) he or she is accompanied by a constable.
- (4) This section is subject to any express provision to the contrary in this Act.
- (5) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subparts 3, 5, and 6) apply.
- (6) Despite subsection (5), sections 118 and 119 of the Search and Surveillance Act 2012 apply only in respect of a constable.

Section 14(3)(a): substituted, on 28 June 2006, by section 7(1) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 14(3)(a): amended, on 1 October 2012, by section 232(1) of the Search and Surveillance Act 2012 (2012 No 24).

Section 14(4): added, on 28 June 2006, by section 7(2) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 14(5): inserted, on 1 October 2012, by section 232(2) of the Search and Surveillance Act 2012 (2012 No 24).

Section 14(6): inserted, on 1 October 2012, by section 232(2) of the Search and Surveillance Act 2012 (2012 No 24).

15 Power of dog control officer or dog ranger to feed and shelter dogs

- (1) A dog control officer or dog ranger who has reasonable grounds to suspect that a dog is without access to proper and sufficient food, water, or shelter may enter on any land or premises where the dog is present and do 1 or more of the following things:
 - (a) supply the dog with food, water, or shelter:
 - (b) enter onto the land or premises from time to time to continue to supply the dog with food, water, or shelter:
 - (c) seize the dog and remove it from the land or premises.
- (2) A dog may be seized and removed under subsection (1)(c) only if the dog control officer or dog ranger—
 - (a) is satisfied that the dog is without access to proper and sufficient food, water, or shelter; and
 - (b) has reasonable cause to suspect that (but for the food, water, or shelter supplied by the dog control officer or dog ranger) the dog will not be given access to proper and sufficient food, water, or shelter within the next 24 hours.
- (3) If a dog is seized under subsection (1)(c), the dog control officer or dog ranger—

- (a) must give written notice in the prescribed form to the owner of the dog or, if the owner is not present, to the person for the time being appearing to be in charge of the land or premises; and
 - (b) may retain custody of the dog until—
 - (i) the dog control officer or dog ranger is satisfied that the dog will be given access to sufficient food, water, and shelter from its owner; or
 - (ii) the dog is disposed of under section 71A.
- (4) For the purposes of subsection (3), if no person is present on the land or premises, the dog control officer or dog ranger must leave the notice in a conspicuous place on the land or premises.
- (5) All reasonable costs incurred in the seizure, custody, sustenance, and transport of a dog under this section may be recovered as a debt from the owner of the dog.
- (6) *[Repealed]*

Section 15: substituted, on 1 December 2003, by section 7 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 15(3)(a): amended, on 7 July 2004, by section 3(1) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 15(3)(b): substituted, on 28 June 2006, by section 8(1) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 15(4): amended, on 7 July 2004, by section 3(2) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 15(6): repealed, on 28 June 2006, by section 8(2) of the Dog Control Amendment Act 2006 (2006 No 23).

16 Districts in which dog control officer or dog ranger may exercise powers

- (1) Except as provided in subsection (2), a dog control officer or dog ranger may exercise the powers conferred upon him or her by this Act only within the district of the territorial authority by which he or she is appointed.
- (2) Any 2 or more territorial authorities may enter into a written agreement whereby the services of the dog control officer or officers or dog ranger or rangers employed by any of those authorities are made available to any other of those authorities; and in any such case the dog control officer or officers or dog ranger or rangers shall be entitled to exercise his or her or their powers in the districts of each such authority as if he or she or they were employed by that authority.

Compare: 1982 No 42 s 17

17 Powers of warranted officers

- (1) Subject to this section, every warranted officer shall have, in relation to protected wildlife, the powers and functions conferred on dog control officers by sections 57 and 59.

- (2) Where under this Act any dog is seized by or given into the custody of a warranted officer, the warranted officer shall as soon as practicable return the dog to its owner or deliver the dog into the custody of a dog control officer or dog ranger, and until that time shall ensure that the dog is kept in custody and given proper care and exercise.
- (3) All reasonable costs incurred in the seizure, custody, sustenance, and transport of any dog pursuant to this section may be recovered as a debt from the owner of the dog.

18 Wilful obstruction of dog control officer or dog ranger

Every person commits an offence and is liable on conviction to a fine not exceeding \$3,000 who wilfully obstructs or hinders any dog control officer or dog ranger in the exercise of his or her powers.

Compare: 1982 No 42 s 18(b)

Section 18: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 18: amended, on 1 December 2003, by section 8 of the Dog Control Amendment Act 2003 (2003 No 119).

19 Power of constable, dog control officer, or dog ranger to request information about owner

- (1) A constable, dog control officer, or dog ranger may, for the purposes of this Act, request the following persons to state his or her full name, date of birth, address, telephone contact number, and place of work (if applicable):
 - (a) any person appearing to be in charge of a dog; or
 - (b) any person appearing to be the occupier of any land or premises on which a dog for the time being is being kept.
- (1A) If a person referred to in subsection (1)(a) or (b) claims not to be the owner of the dog, the person must state the name, address, and place of work of the owner of the dog (if known).
- (2) Every person commits an offence and is liable on conviction to a fine not exceeding \$3,000 who, without reasonable excuse, fails or refuses to comply with a lawful request under subsection (1), or wilfully provides false information in response to a request to provide the information.
- (3) Any constable, dog control officer, or dog ranger who—
 - (a) has reasonable grounds to believe that an offence against subsection (2) has been committed by any person; and
 - (b) has warned that person of the provisions of this subsection; and
 - (c) has reasonable grounds to believe that a further offence against subsection (2) has been committed by that person subsequent to the warning; and

- (d) has reasonable grounds for believing that an offence against any other section of this Act, or against any bylaw authorised by this Act, has been committed by the owner of the dog referred to in subsection (1),—

may seize and impound the dog and, in the case of a constable, may arrest that person without a warrant.

Compare: 1982 No 42 s 18(a)

Section 19 heading: amended, on 1 December 2003, by section 9(1) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 19(1): substituted, on 1 December 2003, by section 9(2) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 19(1A): inserted, on 1 December 2003, by section 9(2) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 19(2): substituted, on 1 December 2003, by section 9(2) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 19(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

19A Power of constable, dog control officer, or dog ranger to request information about dog

- (1) A constable, dog control officer, or dog ranger may, for the purposes of this Act, request the owner of a dog to state the name, gender, and a description of the dog.
- (2) Every person commits an offence and is liable on conviction to a fine not exceeding \$3,000 who, without reasonable excuse, fails to comply with a lawful request under subsection (1), or wilfully provides false information in response to a request to provide the information.

Section 19A: inserted, on 1 December 2003, by section 10 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 19A(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Bylaws

20 Dog control bylaws

- (1) Any territorial authority may, in accordance with the Local Government Act 2002, make bylaws for all or any of the following purposes:
- (a) prohibiting dogs, whether under control or not, from specified public places:
 - (b) requiring dogs, other than working dogs, to be controlled on a leash in specified public places, or in public places in specified areas or parts of the district:
 - (c) regulating and controlling dogs in any other public place:
 - (d) designating specified areas as dog exercise areas:
 - (e) prescribing minimum standards for the accommodation of dogs:

- (f) limiting the number of dogs that may be kept on any land or premises:
 - (g) requiring dogs in its district to be tied up or otherwise confined during a specified period commencing not earlier than half an hour after sunset, and ending not later than half an hour before sunrise:
 - (h) requiring the owner of any dog that defecates in a public place or on land or premises other than that occupied by the owner to immediately remove the faeces:
 - (i) requiring any bitch to be confined but adequately exercised while in season:
 - (j) providing for the impounding of dogs, whether or not they are wearing a collar having the proper label or disc attached, that are found at large in breach of any bylaw made by the territorial authority under this or any other Act:
 - (k) requiring the owner of any dog (being a dog that, on a number of occasions, has not been kept under control) to cause that dog to be neutered (whether or not the owner of the dog has been convicted of an offence against section 53):
 - (l) any other purpose that from time to time is, in the opinion of the territorial authority, necessary or desirable to further the control of dogs.
- (2) Nothing in this section shall authorise the making of any bylaw conferring any power of entry onto any land or premises without the consent of the occupier.
- (3) No bylaw authorised by any of the provisions of paragraphs (a) to (d) of subsection (1) shall have effect in respect of any land for the time being included in—
- (a) a controlled dog area or open dog area under section 26ZS of the Conservation Act 1987; or
 - (b) a national park constituted under the National Parks Act 1980; or
 - (c) Te Urewera, as defined by section 7 of the Te Urewera Act 2014.
- (4) Bylaws authorised by this section shall be made in accordance with the Local Government Act 2002 and shall be deemed to have been made under that Act.
- (5) A person who commits a breach of any bylaw authorised by this section commits an offence and is liable on conviction to the penalty prescribed by section 242(4) of the Local Government Act 2002.
- (5A) An injunction preventing a person from committing a breach of any bylaw authorised by this section may be granted in accordance with section 162 of the Local Government Act 2002, which section applies accordingly with all necessary modifications.
- (6) Notwithstanding section 7, no joint standing or special committee that has had conferred upon it the functions, duties, and powers of territorial authorities under this Act shall have the power to make any bylaw; and the territorial

authorities that so conferred their functions, duties, and powers under this Act shall retain the power to make bylaws in accordance with this section.

Compare: 1982 No 42 s 63

Section 20(1): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 20(3)(b): amended, on 28 July 2014, by section 138 of the Te Urewera Act 2014 (2014 No 51).

Section 20(3)(c): inserted, on 28 July 2014, by section 138 of the Te Urewera Act 2014 (2014 No 51).

Section 20(4): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 20(5): substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 20(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 20(5A): inserted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Probationary owners

21 Classification of probationary owners

- (1) Where any person is convicted of any offence (not being an infringement offence) against this Act or any offence against Part 1 or Part 2 of the Animal Welfare Act 1999 in respect of a dog or any offence against section 26ZZP of the Conservation Act 1987 or section 56I of the National Parks Act 1980 or section 85 of the Te Urewera Act 2014, the territorial authority may classify that person as a probationary owner.
- (2) Where any person commits 3 or more infringement offences (not relating to a single incident or occasion) within a continuous period of 24 months, the territorial authority may classify that person as a probationary owner.
- (3) For the purposes of subsection (2), a person shall be deemed to have committed an infringement offence if—
 - (a) that person has been ordered to pay a fine and costs under section 375 of the Criminal Procedure Act 2011, or is deemed to have been so ordered under section 21(5) of the Summary Proceedings Act 1957; or
 - (b) the infringement fee specified on an infringement notice in respect of that offence and issued to that person under section 66 has been paid.
- (4) Where any person is classified as a probationary owner under subsection (1), the territorial authority shall as soon as practicable give written notice in the prescribed form to that person of that decision.
- (5) This section applies only if section 25(1A) applies.

Section 21(1): amended, on 28 July 2014, by section 138 of the Te Urewera Act 2014 (2014 No 51).

Section 21(1): amended, on 1 January 2000, by section 194 of the Animal Welfare Act 1999 (1999 No 142).

Section 21(2): amended, on 1 December 2003, by section 11 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 21(3)(a): replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 21(5): added, on 7 July 2004, by section 4 of the Dog Control Amendment Act 2004 (2004 No 61).

22 Objection to classification as probationary owner

- (1) Every person classified as a probationary owner under section 21—
 - (a) may object to the classification by lodging, with the territorial authority, a written objection to the classification; and
 - (b) shall be entitled to be heard in support of the objection.
- (2) An objection under this section may be lodged at any time during the period of the classification, but no objection shall be lodged within 12 months of the hearing of any previous objection to the classification.
- (3) In considering any objection under this section, the territorial authority shall have regard to—
 - (a) the circumstances and nature of the offence or offences in respect of which the classification was made; and
 - (b) the competency of the person objecting in terms of responsible dog ownership; and
 - (c) any steps taken by the owner to prevent further offences including, but not limited to, the disposal of any dog or dogs or the fencing of the property on which the dog is kept; and
 - (d) the matters advanced in support of the objection; and
 - (e) any other relevant matters.
- (4) In determining any objection, the territorial authority may uphold or terminate the classification of any person as a probationary owner, and shall give written notice of its decision and the reasons for it to the objector.

23 Probationary owners

- (1) Classification as a probationary owner shall, unless earlier terminated by the territorial authority, continue until 24 months after the date of the offence or, as the case may be, the date of the third infringement offence, in respect of which the classification was made.
- (2) No person who is for the time being classified as a probationary owner shall be capable of being the registered owner of any dog unless that person was the registered owner of that dog on the date of the offence or, as the case may be, the date of the third infringement offence, in respect of which the classification was made.
- (3) *[Repealed]*

- (4) *[Repealed]*
- (5) *[Repealed]*
- (6) *[Repealed]*
- (7) *[Repealed]*

Section 23(3): repealed, on 1 December 2003, by section 12 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 23(4): repealed, on 1 December 2003, by section 12 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 23(5): repealed, on 1 December 2003, by section 12 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 23(6): repealed, on 1 December 2003, by section 12 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 23(7): repealed, on 1 December 2003, by section 12 of the Dog Control Amendment Act 2003 (2003 No 119).

23A Territorial authority may require probationary owner to undertake training

- (1) If a person is classified as a probationary owner under section 21, the territorial authority may require the person to undertake, at his or her own expense, a dog owner education programme or a dog obedience course (or both) approved by the territorial authority.
- (2) Every person commits an offence and is liable on conviction to a fine not exceeding \$3,000 who, without reasonable excuse, fails to comply with a requirement under subsection (1).

Section 23A: inserted, on 1 December 2003, by section 13 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 23A(1): amended, on 7 July 2004, by section 5(1) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 23A(2): added, on 7 July 2004, by section 5(2) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 23A(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

24 Obligation of probationary owners to dispose of unregistered dogs

- (1) Where any person is classified as a probationary owner, that person shall, within 14 days after the date on which the notice of classification is, under section 21(4), given to that person, dispose of every unregistered dog owned by that person.
- (2) Every dog disposed of under this Act shall be disposed of in a manner that does not constitute an offence against this or any other Act.
- (3) Where any person lodges, within 14 days after the date on which the notice under section 21(4) is given to that person, an objection under section 22, subsection (1) applies in relation to that person as if the period within which that person is required by that subsection to dispose of every unregistered dog

owned by that person ends on the 14th day after the date on which the notice under section 22(4) is given to that person.

- (4) Where any person is given a notice under section 21(4) at a time at which that person is keeping an unregistered dog in contravention of section 42(1),—
- (a) it shall not be an offence against section 42(1) for that person to keep that unregistered dog until the expiration of any period allowed by this section for the disposal by that person of that unregistered dog; and
 - (b) nothing in section 42(2) authorises the seizure and impounding of that unregistered dog at any time while that dog is still being kept by that person and any period allowed by this section for the disposal by that person of that unregistered dog has not expired.
- (5) Every person commits an offence and is liable on conviction to a fine not exceeding \$3,000 who—
- (a) fails to comply with subsection (1); or
 - (b) fails, in disposing of a dog under subsection (1), to comply with subsection (2); or
 - (c) at any time while classified as a probationary owner becomes the registered owner of a dog (unless the person was the registered owner of the dog on the date of the offence or the date of the third infringement offence in respect of which the classification was made under section 21); or
 - (d) disposes or gives custody or possession of any dog to any person, knowing that the person is disqualified under section 25.

Section 24(5): added, on 7 July 2004, by section 6 of the Dog Control Amendment Act 2004 (2004 No 61).

Section 24(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Disqualification of owners

25 Disqualification of owners

- (1) A territorial authority must disqualify a person from being an owner of a dog if—
- (a) the person commits 3 or more infringement offences (not relating to a single incident or occasion) within a continuous period of 24 months; or
 - (b) the person is convicted of an offence (not being an infringement offence) against this Act; or
 - (c) the person is convicted of an offence against Part 1 or Part 2 of the Animal Welfare Act 1999, section 26ZZP of the Conservation Act 1987, or section 56I of the National Parks Act 1980.

- (1A) Subsection (1) does not apply if the territorial authority is satisfied that the circumstances of the offence or offences are such that—
- (a) disqualification is not warranted; or
 - (b) the territorial authority will instead classify the person as a probationary owner under section 21.
- (2) For the purposes of subsection (1)(a), a person must be treated as having committed an infringement offence if—
- (a) that person has been ordered to pay a fine and costs under section 375 of the Criminal Procedure Act 2011, or is deemed to have been so ordered under section 21(5) of the Summary Proceedings Act 1957; or
 - (b) the infringement fee specified on the infringement notice in respect of the offence issued to the person under section 66 has been paid.
- (3) A disqualification under subsection (1) continues in force for a period specified by the territorial authority not exceeding 5 years from the date of the third infringement offence or offences (as the case may be) in respect of which the person is disqualified.
- (4) If a person is disqualified under subsection (1), the territorial authority must, as soon as practicable, give written notice in the prescribed form to the person of that decision.

Section 25: substituted, on 1 December 2003, by section 14 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 25(1): amended, on 7 July 2004, by section 7(1) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 25(1A): inserted, on 7 July 2004, by section 7(2) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 25(2)(a): replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

26 Objection to disqualification

- (1) Every person disqualified under section 25—
- (a) may object to the disqualification by lodging with the territorial authority a written objection to the disqualification; and
 - (b) shall be entitled to be heard in support of the objection.
- (2) An objection under this section may be lodged at any time but no objection shall be lodged within 12 months of the hearing of any previous objection to the disqualification.
- (3) In considering any objection under this section, the territorial authority shall have regard to—
- (a) the circumstances and nature of the offence or offences in respect of which the person was disqualified; and

- (b) the competency of the person objecting in terms of responsible dog ownership; and
 - (c) any steps taken by the owner to prevent further offences; and
 - (d) the matters advanced in support of the objection; and
 - (e) any other relevant matters.
- (4) In determining any objection, the territorial authority may uphold, bring forward the date of termination, or immediately terminate the disqualification of any person and shall give written notice of its decision, the reasons for it, and the right of appeal under section 27 to the objector.

27 Appeal to District Court

- (1) Any person who has lodged an objection under section 26 and is dissatisfied with the decision of the territorial authority may, within 14 days of the date on which notice of that decision is, under section 26(4), given to that person, appeal to the District Court against that decision.
- (2) The District Court, in hearing the appeal, shall consider the matters specified in section 26(3) and any submission by the territorial authority in support of its decision, and may uphold the determination, bring forward the date of termination, or immediately terminate the disqualification.

Section 27(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

28 Effect of disqualification

- (1) Subject to this section, if a person is disqualified from owning a dog under section 25 the person must,—
 - (a) within 14 days of the date on which notice of the decision is given to the person, dispose of every dog owned by the person; and
 - (b) not subsequently be in possession of a dog at any time, except for the purpose of—
 - (i) preventing a dog from causing injury, damage, or distress; or
 - (ii) returning, within 72 hours, a lost dog to the territorial authority for the purpose of restoring the dog to its owner.
- (2) Every dog disposed of under subsection (1)(a)—
 - (a) shall be disposed of in a manner that does not constitute an offence against this or any other Act; and
 - (b) shall not be disposed of to any person who resides at the same address as the person disqualified.
- (3) Where any person has, within 14 days after the date on which the notice of disqualification under section 25(4) is given to that person, lodged an objection under section 26, subsection (1) of this section shall apply in relation to that

person as if the reference in that subsection to section 25(4) were a reference to section 26(4).

- (4) Where any person has, within 14 days after the date on which the notice under section 26(4) is given to that person in respect of an objection to which subsection (3) of this section refers, lodged an appeal under section 27, subsection (1) of this section shall apply in relation to that person as if the reference in that subsection to the date on which the notice under section 25(4) was given to that person were a reference to the date of the decision of the District Court on that appeal.
- (5) Every person commits an offence and is liable on conviction to a fine not exceeding \$3,000 who—
 - (a) fails to comply with subsection (1); or
 - (b) fails, in disposing of a dog under subsection (1), to comply with subsection (2); or
 - (c) at any time while disqualified under section 25, becomes the owner of any dog in terms of this Act; or
 - (d) disposes or gives custody or possession of any dog to any person, knowing that person to be disqualified under section 25.
- (6) Where any person is convicted of an offence against paragraph (a) or paragraph (c) of subsection (5), the territorial authority may extend the period of disqualification of that person until a date not later than 5 years after the date on which the offence occurred.
- (7) Where any person fails to comply with subsection (1), any dog control officer may seize any dog owned by that person and, for that purpose, may, at any reasonable time, with all persons he or she calls to his or her assistance, enter onto the land or premises, including any dwellinghouse, of the owner of the dog.

Section 28(1): substituted, on 1 December 2003, by section 15(1) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 28(2): amended, on 1 December 2003, by section 15(2) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 28(3): amended, on 1 December 2003, by section 15(3) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 28(4): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 28(4): amended, on 1 December 2003, by section 15(4) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 28(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 28(5): amended, on 1 December 2003, by section 15(5) of the Dog Control Amendment Act 2003 (2003 No 119).

29 Probationary classification and disqualification to extend over New Zealand

Every classification as a probationary owner and every disqualification under this Act shall be in force throughout New Zealand.

30 Maintenance of records and provision of information

- (1) For the purposes of this section and of sections 21 to 29, and only for those purposes, every territorial authority shall—
 - (a) maintain a record of every order made under section 375 of the Criminal Procedure Act 2011, and of every order deemed to have been made under section 21(5) of the Summary Proceedings Act 1957, in respect of an infringement offence committed within the previous 30 months in respect of which—
 - (i) a charging document was filed in the name of the territorial authority pursuant to section 65(2)(a); or
 - (ii) an infringement notice was issued by the territorial authority; and
 - (b) maintain a record of every infringement notice issued by the territorial authority under this Act in respect of an offence committed within the previous 30 months (whether or not the infringement fee has been paid); and
 - (c) maintain a full record of,—
 - (i) every decision of that territorial authority to classify a person as a probationary owner under subsection (1) or subsection (2) of section 21; and
 - (ii) every decision of that territorial authority to uphold such classification under section 22(4);—
for so long as that classification remains in force; and
 - (d) maintain a full record of,—
 - (i) every decision of that territorial authority to disqualify any person under section 25(1); and
 - (ii) every decision of that territorial authority to uphold disqualification under section 26(4); and
 - (iii) every decision of that territorial authority to extend, under section 28(6), a period of disqualification;—
for so long as that disqualification remains in force.
- (2) Subject to subsection (6), every territorial authority—
 - (a) shall, where any officer of any other territorial authority so requests for the purposes of this Act, inform that officer whether any person named in that request,—

- (i) is shown, by any record kept by that territorial authority pursuant to paragraph (a) or paragraph (b) of subsection (1) to have committed, within the meaning of section 21(3) or section 25(2), any infringement offence and, if so, the date and nature of that offence; or
 - (ii) is for the time being classified as a probationary owner under section 21 by virtue of a decision of that territorial authority and, if so, the date on which that classification will terminate; or
 - (iii) is for the time being disqualified under section 25 by virtue of a decision of the territorial authority and, if so, the date on which that disqualification will terminate:
- (b) shall, where any person classified as a probationary owner by that territorial authority has objected to another territorial authority against that classification, forward to the other territorial authority such information held in the records kept under subsection (1)(c) as is necessary for the purposes of section 22(3)(a):
- (c) shall, where any person disqualified by that territorial authority has objected to another territorial authority against that disqualification, forward to the other territorial authority such information held in the records kept under subsection (1)(d) as is necessary for the purpose of section 26(3)(a).
- (3) Subsection (1) shall apply to all information received by a territorial authority pursuant to subsection (2)(a) as if that territorial authority had taken the actions referred to in that subsection.
- (4) At the expiration of any period during which any territorial authority is required by this section to maintain any records and information, those records and that information shall be destroyed by the territorial authority.
- (5) A territorial authority may comply with this section by entering the required information directly into the national dog control information database referred to in section 35A.
- (6) A territorial authority that complies with subsection (5) is not required to answer any request made under subsection (2). Instead the request must be treated as if it were a request made to the territorial authority referred to in section 35A(2).

Section 30(1)(a): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 30(1)(a)(i): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 30(1)(b): amended, on 28 June 2006, by section 9 of the Dog Control Amendment Act 2006 (2006 No 23).

Section 30(1)(d)(i): amended, on 1 December 2003, by section 16(1) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 30(2): amended, on 7 July 2004, by section 8(1) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 30(2)(a)(i): amended, on 1 December 2003, by section 16(2) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 30(5): substituted, on 7 July 2004, by section 8(2) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 30(6): added, on 7 July 2004, by section 8(2) of the Dog Control Amendment Act 2004 (2004 No 61).

30AA Territorial authority may retain information about infringement notice until infringement fee paid

- (1) A territorial authority may retain any record in relation to an infringement notice issued by it until the infringement fee (or, as the case may be, the fine) has been paid in full.
- (2) Subsection (1) applies despite anything to the contrary in this Act.

Section 30AA: inserted, on 28 June 2006, by section 10 of the Dog Control Amendment Act 2006 (2006 No 23).

Prohibition on import of certain dogs

Heading: inserted, on 1 December 2003, by section 17 of the Dog Control Amendment Act 2003 (2003 No 119).

30A Prohibition on import of dogs listed in Schedule 4

- (1) No person may import into New Zealand any dog that belongs wholly or predominantly to 1 or more breed or type of dog listed in Schedule 4.
- (2) No person may import a dog into New Zealand unless the dog is accompanied by—
 - (a) evidence of registration in New Zealand; or
 - (b) an exempting statutory declaration.
- (3) The exempting statutory declaration required by subsection (2)(b) must also be accompanied by a veterinarian's certificate in relation to the dog that—
 - (a) is issued—
 - (i) in the country from which the dog is imported or is to be imported; and
 - (ii) by a veterinarian registered in that country; and
 - (iii) before the arrival of the dog in New Zealand; and
 - (b) is to the effect that to the best of the veterinarian's knowledge and belief, the dog is not a dog listed in Schedule 4.
- (4) Every person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$3,000.
- (5) Subsection (1) does not apply in respect of—
 - (a) any dog—

- (i) performing the same function as a disability assist dog (if the dog has been certified as being trained to perform that function by a recognised organisation in the country where the person who the dog assists usually resides); and
 - (ii) accompanying and assisting that person or accompanying a person genuinely engaged in the dog's training; or
- (b) any dog—
 - (i) that is kept, used, or certified for use by a specified agency; and
 - (ii) is being used for the purpose of carrying out in a lawful manner any function, duty, or power of that agency.

(6) In this section,—

dog includes the embryo, ova, or semen of a dog that belongs wholly or predominantly to 1 or more breed or type of dog listed in Schedule 4

exempting statutory declaration, in relation to any dog, means a statutory declaration—

- (a) that is made in New Zealand by or on behalf of the importer of the dog; and
- (b) that is to the effect that, to the best of the knowledge and belief of the importer of the dog or of the importer's agent, the dog does not belong wholly or predominantly to 1 or more breed or type of dog listed in Schedule 4.

Section 30A: inserted, on 1 December 2003, by section 17 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 30A(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 30A(5)(a): substituted, on 28 June 2006, by section 11 of the Dog Control Amendment Act 2006 (2006 No 23).

Dangerous dogs

31 Territorial authority to classify dangerous dogs

- (1) A territorial authority must classify a dog as a dangerous dog if—
 - (a) the owner of the dog has been convicted of an offence in relation to the dog under section 57A(2); or
 - (b) the territorial authority has, on the basis of sworn evidence attesting to aggressive behaviour by the dog on 1 or more occasions, reasonable grounds to believe that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife; or
 - (c) the owner of the dog admits in writing that the dog 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), 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), the owner may, within 14 days of the receipt of notice of that classification under subsection (2), 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—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.

Section 31(1): substituted, on 7 July 2010, by section 4 of the Dog Control Amendment Act 2010 (2010 No 62).

32 Effect of classification as dangerous dog

- (1) If a dog is classified as a dangerous dog under section 31, the owner of the dog—
 - (a) must ensure that, from a date not later than 1 month after the receipt of notice of classification, the dog is kept within a securely fenced portion of the owner's property that it is not necessary to enter to obtain access to at least 1 door of any dwelling on the property; and
 - (b) must not allow the dog to be at large or in any public place or in any private way, except when confined completely within a vehicle or cage, without being—
 - (i) muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
 - (ii) controlled on a leash (except when in a dog exercise area specified in a bylaw made under section 20(1)(d)); and
 - (c) must produce to the territorial authority, within 1 month after the receipt of notice of classification, a certificate issued by a veterinarian and certifying—
 - (i) that the dog is or has been neutered; or

- (ii) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
 - (d) must, if a certificate under paragraph (c)(ii) is produced to the territorial authority, produce to the territorial authority, within 1 month after the date specified in that certificate, a further certificate under paragraph (c)(i); and
 - (e) must, in respect of every registration year commencing after the date of receipt of the notice of classification, be liable for dog control fees for that dog at 150% of the level that would apply if the dog were not classified as a dangerous dog; and
 - (f) must not, without the written consent of the territorial authority in whose district the dog is to be kept, dispose of the dog to any other person.
- (2) Every person who fails to comply with subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$3,000.
- (3) If a court convicts a person of an offence against subsection (2), the court must also make an order for the destruction of the dog unless satisfied that the circumstances of the offence were exceptional and do not warrant destruction of the dog.
- (4) Every person who sells or otherwise transfers, or offers to sell or transfer, to any other person any dog known by that person to be classified as a dangerous dog without disclosing the fact of that classification to that other person commits an offence and is liable on conviction to a fine not exceeding \$3,000.
- (5) If a person fails to comply with subsection (1), a dog control officer or dog ranger may—
- (a) seize and remove the dog from the person's possession; and
 - (b) retain custody of the dog until the territorial authority has reasonable grounds to believe that the person has demonstrated a willingness to comply with subsection (1).
- (6) Section 70 applies to a dog removed under subsection (5) as if it were removed under section 56; and accordingly section 70 applies with all necessary modifications.

Section 32: substituted, on 1 December 2003, by section 19 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 32(1)(c): amended, on 28 June 2006, by section 29(3) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 32(1)(d): amended, on 7 July 2004, by section 9(1) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 32(1)(e): amended, on 7 July 2004, by section 9(2) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 32(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 32(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

32A Dangerous dog classification to extend over New Zealand

- (1) Every classification as a dangerous dog under section 31 is in force throughout New Zealand.
- (2) This section is for the avoidance of doubt.

Section 32A: inserted, on 28 June 2006, by section 12 of the Dog Control Amendment Act 2006 (2006 No 23).

33 Territorial authority's consent to disposal of dangerous dog

No territorial authority shall give its consent under section 32(1)(f) to the disposal to any person of a dog that is classified as a dangerous dog unless the territorial authority is satisfied that the purchaser or transferee—

- (a) is not a person classified under section 21 as a probationary owner; and
- (b) is not a person who is disqualified under section 25(1)(b) and (c); and
- (c) is aware that the dog is classified as a dangerous dog; and
- (d) is aware of the obligations imposed by section 32 on the owner of a dog that is classified as a dangerous dog.

Section 33(b): amended, on 1 December 2003, by section 20 of the Dog Control Amendment Act 2003 (2003 No 119).

Menacing dogs

Heading: inserted, on 1 December 2003, by section 21 of the Dog Control Amendment Act 2003 (2003 No 119).

33A Territorial authority may classify dog as menacing

- (1) This section applies to a dog that—
 - (a) has not been classified as a dangerous dog under section 31; but
 - (b) a territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of—
 - (i) any observed or reported behaviour of the dog; or
 - (ii) any characteristics typically associated with the dog's breed or type.
- (2) A territorial authority may, for the purposes of section 33E(1)(a), classify a dog to which this section applies as a menacing dog.
- (3) If a dog is classified as a menacing dog under subsection (2), the territorial authority must immediately give written notice in the prescribed form to the owner of—
 - (a) the classification; and
 - (b) the provisions of section 33E (which relates to the effect of classification as a menacing dog); and

- (c) the right to object to the classification under section 33B; and
- (d) if the territorial authority's policy is not to require the neutering of menacing dogs (or would not require the neutering of the dog concerned), the effect of sections 33EA and 33EB if the owner does not object to the classification and the dog is moved to the district of another territorial authority.

Section 33A: inserted, on 1 December 2003, by section 21 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 33A(3): amended, on 1 November 2004, by section 10 of the Dog Control Amendment Act 2004 (2004 No 61).

Section 33A(3)(c): amended, on 28 June 2006, by section 13 of the Dog Control Amendment Act 2006 (2006 No 23).

Section 33A(3)(d): added, on 28 June 2006, by section 13 of the Dog Control Amendment Act 2006 (2006 No 23).

33B Objection to classification of dog under section 33A

- (1) If a dog is classified under section 33A as a menacing dog, the owner—
 - (a) may, within 14 days of receiving notice of the classification, object in writing to the territorial authority in regard to the classification; and
 - (b) has the right to be heard in support of the objection.
- (2) The territorial authority considering an objection under subsection (1) may uphold or rescind the classification, and in making its determination must have regard to—
 - (a) the evidence which formed the basis for the classification; and
 - (b) any steps taken by the owner to prevent any threat to the safety of persons or animals; and
 - (c) the matters relied on in support of the objection; and
 - (d) any other relevant matters.
- (3) The territorial authority must, as soon as practicable, give written notice to the owner of—
 - (a) its determination of the objection; and
 - (b) the reasons for its determination.

Section 33B: inserted, on 1 December 2003, by section 21 of the Dog Control Amendment Act 2003 (2003 No 119).

33C Dogs belonging to breed or type listed in Schedule 4 to be classified as menacing

- (1) A territorial authority must, for the purposes of section 33E(1)(a), classify as menacing any dog that the territorial authority has reasonable grounds to believe belongs wholly or predominantly to 1 or more breeds or types listed in Schedule 4.

- (2) If a dog is classified as menacing under subsection (1), the territorial authority must immediately give written notice in the prescribed form to the owner of—
- (a) the classification; and
 - (b) the provisions of section 33E (which relates to the effect of classification as a menacing dog); and
 - (c) the right to object to the classification under section 33D.

Section 33C: inserted, on 1 December 2003, by section 21 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 33C(2): amended, on 1 November 2004, by section 11 of the Dog Control Amendment Act 2004 (2004 No 61).

33D Objection to classification of dog under section 33C

- (1) If a dog is classified as a menacing dog under section 33C, the owner—
- (a) may, within 14 days of receiving notice of the classification, object in writing to the territorial authority in regard to the classification; and
 - (b) has the right to be heard in support of the objection.
- (2) If an owner objects to the classification, he or she must provide evidence that the dog is not of a breed or type listed in Schedule 4.
- (3) The territorial authority considering an objection under subsection (1) may uphold or rescind the classification, and in making its determination must have regard to—
- (a) the evidence which formed the basis for the classification; and
 - (b) the matters relied on in support of the objection; and
 - (c) any other relevant matters.
- (4) The territorial authority must, as soon as practicable, give written notice to the owner of—
- (a) its determination of the objection; and
 - (b) the reasons for its determination.

Section 33D: inserted, on 1 December 2003, by section 21 of the Dog Control Amendment Act 2003 (2003 No 119).

33E Effect of classification as menacing dog

- (1) If a dog is classified as a menacing dog under section 33A or section 33C, the owner of the dog—
- (a) must not allow the dog to be at large or in any public place or in any private way, except when confined completely within a vehicle or cage, without being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
 - (b) must, if required by the territorial authority, within 1 month after receipt of notice of the classification, produce to the territorial authority a certificate issued by a veterinarian certifying—

- (i) that the dog is or has been neutered; or
 - (ii) that for reasons that are specified in the certificate, the dog will not be in a fit condition to be neutered before a date specified in the certificate; and
 - (c) must, if a certificate under paragraph (b)(ii) is produced to the territorial authority, produce to the territorial authority, within 1 month after the date specified in that certificate, a further certificate under paragraph (b)(i).
- (2) *[Repealed]*
- (3) *[Repealed]*
- (4) *[Repealed]*
- (5) Subsection (1)(a) does not apply in respect of any dog or class of dog that the territorial authority considers need not be muzzled in any specified circumstances (for example, at a dog show).

Section 33E: inserted, on 1 December 2003, by section 21 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 33E(1)(b): amended, on 28 June 2006, by section 29(4) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 33E(2): repealed, on 28 June 2006, by section 29(5) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 33E(3): repealed, on 28 June 2006, by section 29(5) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 33E(4): repealed, on 28 June 2006, by section 29(5) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 33E(5): amended, on 7 July 2004, by section 12 of the Dog Control Amendment Act 2004 (2004 No 61).

33EA Menacing dog classification to extend over New Zealand

- (1) Every classification as a menacing dog under section 33A or 33C is in force throughout New Zealand.
- (2) This section is for the avoidance of doubt.

Section 33EA: inserted, on 28 June 2006, by section 14 of the Dog Control Amendment Act 2006 (2006 No 23).

33EB Territorial authority (other than classifying authority) may require neutering of menacing dog

- (1) This section applies if—
- (a) a dog is classified by a territorial authority as a menacing dog under section 33A or 33C; and
 - (b) the territorial authority does not require it to be neutered under section 33E(1)(b); and
 - (c) the dog is later registered with any other territorial authority.

- (2) No later than 1 month after the dog is registered with the other territorial authority, that territorial authority may require, by written notice, the owner of the dog to produce to the territorial authority a certificate issued by a veterinarian certifying—
 - (a) that the dog has been neutered; or
 - (b) that for reasons that are specified in the certificate, it will not be in a fit condition to be neutered before a date specified in the certificate.
- (3) The owner must produce the certificate to the territorial authority no later than 1 month after receiving the notice.
- (4) If a certificate under subsection (2)(b) is produced to the territorial authority, the owner of the dog must produce to the territorial authority, no later than 1 month after the date specified in that certificate, a further certificate under subsection (2).

Section 33EB: inserted, on 28 June 2006, by section 14 of the Dog Control Amendment Act 2006 (2006 No 23).

33EC Offence to fail to comply with section 33E(1) or 33EB

- (1) Every person who fails to comply with section 33E(1) or 33EB commits an offence and is liable on conviction to a fine not exceeding \$3,000.
- (2) If a person fails to comply with section 33E(1) or 33EB, a dog control officer or dog ranger may—
 - (a) seize and remove the dog concerned from the person's possession; and
 - (b) retain custody of the dog until—
 - (i) the dog control officer or dog ranger is satisfied that the person has demonstrated a willingness to comply with section 33E(1) or 33EB (as the case may be); or
 - (ii) the dog is disposed of under section 71A.

Section 33EC: inserted, on 28 June 2006, by section 14 of the Dog Control Amendment Act 2006 (2006 No 23).

Section 33EC(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Dangerous and menacing dogs

Heading: inserted, on 28 June 2006, by section 14 of the Dog Control Amendment Act 2006 (2006 No 23).

33ED Territorial authority to classify certain dogs as dangerous or menacing

- (1) A territorial authority must classify a dog as a dangerous dog under section 31 or a menacing dog under section 33A if—
 - (a) the owner of the dog has been convicted of an offence against section 57(2) or 57A(2)(a); and
 - (b) no destruction order for the dog has been made by the court concerned.

- (2) Subsection (1) applies unless the territorial authority is satisfied that the circumstances of the attack, rush, or startle by the dog (being the circumstances relating to the offence for which the owner was convicted)—
- (a) were exceptional; and
 - (b) do not, in the territorial authority's opinion, justify classifying the dog as dangerous or menacing.

Section 33ED: inserted, on 28 June 2006, by section 14 of the Dog Control Amendment Act 2006 (2006 No 23).

33F Owner must advise person with possession of dangerous or menacing dog of requirement to muzzle and leash dog in public

- (1) This section applies to an owner whose dog has been classified as—
- (a) dangerous under section 31; or
 - (b) menacing under section 33A or section 33C.
- (2) If the dog is in the possession of another person for a period not exceeding 72 hours, the owner must advise the person of the requirement to comply with section 32(1)(b) or section 33E(1)(a), as the case may be (which relate to the requirement to muzzle and leash the dog in public).
- (3) Every person who fails to comply with subsection (2) commits an offence and is liable on conviction to a fine not exceeding \$500.

Section 33F: inserted, on 1 December 2003, by section 21 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 33F(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Registration and registration fees

34 Dogs register

- (1) Every territorial authority shall keep a register of all dogs registered with it under this Act.
- (2) The register shall contain the following information in respect of each dog:
- (a) the full name, date of birth, and address of the owner of the dog;
 - (b) the address at which the dog is ordinarily kept;
 - (c) a description of the dog, which may include the breed, colour, and any distinguishing marks;
 - (d) the age of the dog;
 - (da) whether the dog is a working dog within the meaning of paragraph (b)(ii) of the definition of working dog in section 2;
 - (e) whether the dog is classified as a dangerous dog under section 31;

- (ea) whether the dog is classified as a menacing dog under section 33A or section 33C and the relevant provision under which the classification is made;
 - (f) the sex of the dog, including whether the dog is neutered or not;
 - (g) a description of any tattoo, or the unique identifier of any microchip transponder, that provides permanent identification of the dog;
 - (h) the registration number of the collar, label, or disc issued for that dog;
 - (i) such other relevant information as the territorial authority considers necessary for the purposes of this Act.
- (2A) A territorial authority may include in the register any information referred to in subsection (2) in relation to any dog—
- (a) that has previously been, but is not currently, registered with it; or
 - (b) that is known or believed to be kept in its district.
- (3) The territorial authority shall provide a sufficient number of places in its district, and, if necessary outside its district, at which dogs may be registered.
- (4) There must be kept at every place of registration—
- (a) a supply of labels or discs numbered consecutively and marked with the name of the district and the year for which they are issued; and
 - (b) a supply of specially marked collars, labels, or discs identifying dogs exempt from microchip implantation under section 36(1A).
- (5) There shall also be kept for sale at every place of registration a supply of dog collars.
- (6) A territorial authority may comply with this section by entering the required information directly into the national dog control information database referred to in section 35A.

Compare: 1982 No 42 s 35(1)–(3), (6), (7)

Section 34(2)(a): amended, on 28 June 2006, by section 15(1) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 34(2)(da): inserted, on 28 June 2006, by section 15(2) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 34(2)(ea): inserted, on 1 December 2003, by section 22(1) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 34(2)(g): substituted, on 1 December 2003, by section 22(2) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 34(2A): inserted, on 28 June 2006, by section 15(3) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 34(4): substituted, on 28 June 2006, by section 15(4) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 34(6): substituted, on 7 July 2004, by section 13 of the Dog Control Amendment Act 2004 (2004 No 61).

35 Supply of register information

- (1) The territorial authority shall not disclose, otherwise than in accordance with this section, information which is recorded in the register established under section 34 or in any application for registration under section 36 and which—
 - (a) identifies, or will assist any person to identify, the name and address of the registered owner of any specified dog; or
 - (b) identifies, or will assist any person to identify, the address at which any specified dog is ordinarily kept.
- (2) Subject to subsection (6), if—
 - (a) any constable; or
 - (b) any officer of the Department of Conservation; or
 - (c) any territorial authority; or
 - (d) any society established for the prevention of cruelty to animals or for animal welfare purposes; or
 - (e) any inspector under the Animal Welfare Act 1999; or
 - (f) any veterinarian; or
 - (g) any inspector under the Biosecurity Act 1993,—requests, for any lawful purpose, the name and address of the registered owner of any specified dog or the names and addresses of the registered owners of dogs of any specified description or any other information recorded in the register in respect of that dog or dogs of that description, the territorial authority shall comply with the request.
- (3) Any person may apply to the territorial authority, in the prescribed form, for the name and address of the registered owner of any specified dog.
- (4) Where any person applies under subsection (3), and the territorial authority is satisfied of that person's identity and that the information is required for a purpose specified in any of the provisions of paragraphs (a) to (e) of subsection (5) or referred to in paragraph (f) of that subsection, the territorial authority shall provide that information.
- (5) For the purposes of subsection (4), the purposes for which any person shall be entitled to be informed of the name and address of the registered owner of any specified dog shall be,—
 - (a) in relation to any charge concerning an offence or alleged offence against the Animal Welfare Act 1999 or this Act or any regulations or bylaws made under this Act:
 - (b) in relation to any request or claim for costs or compensation in respect of damage to property done or caused, or alleged to have been done or caused, by the dog:

- (c) in order to return the dog to its owner under section 52(4) or section 59(2) or section 60(2) where, in the opinion of the territorial authority, it is not desirable or not practicable for the dog to be delivered into the custody of a dog control officer or dog ranger:
 - (d) in order to advise the owner of the destruction of the dog under section 59 or section 60:
 - (e) in order to make a complaint under section 61(1):
 - (f) any other purpose specified in relation to the dogs register—
 - (i) in a code of practice issued, in relation to that register, under section 63 of the Privacy Act 1993; or
 - (ii) in regulations made under section 78.
- (6) A territorial authority that complies with section 34(6) is not required to answer any request made under subsection (2)(c). Instead the request must be treated as a request made to the territorial authority referred to in section 35A(2).
- Section 35(2): amended, on 7 July 2004, by section 14(1) of the Dog Control Amendment Act 2004 (2004 No 61).
- Section 35(2)(a): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).
- Section 35(2)(e): amended, on 1 January 2000, by section 194 of the Animal Welfare Act 1999 (1999 No 142).
- Section 35(2)(f): amended, on 28 June 2006, by section 29(6) of the Dog Control Amendment Act 2006 (2006 No 23).
- Section 35(5)(a): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).
- Section 35(5)(a): amended, on 1 January 2000, pursuant to section 198 of the Animal Welfare Act 1999 (1999 No 142).
- Section 35(6): added, on 7 July 2004, by section 14(2) of the Dog Control Amendment Act 2004 (2004 No 61).

35A National dog control information database

- (1) For the purposes of compiling and maintaining a national dog control information database, a territorial authority must provide to a person or organisation nominated by the Secretary for Local Government, in electronic form, the information that the territorial authority is required to keep under sections 30(1) and 34(2)(a) to (h) (which relates to offences, infringement notices, probationary and disqualified dog owners, and dog registration).
- (2) For the purpose of sections 30(2) and 35(2)(c),—
 - (a) the person or organisation responsible for the database must be treated as if the person or organisation were a territorial authority; and
 - (b) the information that the person or organisation holds under subsection (1) must be treated as if it were information that was collected for the purposes of sections 30 and 35; and

- (c) the person or organisation must be treated as if the person or organisation were permitted to disclose the information it holds only—
 - (i) to any other territorial authority; and
 - (ii) by either—
 - (A) disclosing the information to the territorial authority in accordance with sections 30(2) and 35(2)(c); or
 - (B) allowing the territorial authority to access the information directly from the person's or organisation's database.
- (3) Despite subsection (2), the person or organisation may supply the information that it holds to the Secretary for Local Government for the purposes of evaluating dog control policy in New Zealand, as long as the information does not allow the identification of individual records of dog owners or dogs.

Section 35A: inserted, on 7 July 2004, by section 15 of the Dog Control Amendment Act 2004 (2004 No 61).

35AB National dog control information database may contain additional information supplied by territorial authority

- (1) The person or organisation responsible for the national dog control information database under section 35A may include in the database any information that a territorial authority—
 - (a) holds under section 34(2)(i); and
 - (b) chooses to provide to the person or organisation.
- (2) Without limiting the information that the person or organisation responsible for the database may include in the database under subsection (1), the person or organisation may include any information a territorial authority provides that relates to any of the following:
 - (a) any dog identifier used by the territorial authority;
 - (b) the year a dog is born;
 - (c) the year a dog dies;
 - (d) contact details of a dog owner.
- (3) Any information provided under this section to the person or organisation responsible for the database is subject to the same limits on disclosure by the person or organisation as the information provided to the person or organisation under section 35A.

Section 35AB: inserted, on 7 July 2004, by section 15 of the Dog Control Amendment Act 2004 (2004 No 61).

35B Levy to fund costs of national dog control information database

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, impose a levy on territorial authorities in each financial year to fund the costs of maintaining the national dog control information database.

- (2) Subsection (1) does not apply to the costs of establishing the national dog control information database.
- (3) The order—
 - (a) must specify the amount of the levy or the way that the levy must be calculated; and
 - (b) may authorise—
 - (i) the deduction of over-recoveries in respect of a financial year from a levy payable in subsequent financial years; or
 - (ii) the addition of under-recoveries in respect of a financial year to a levy payable in subsequent financial years; and
 - (c) may prescribe how and when the levy must be paid or collected.
- (4) A territorial authority must pay a levy required by regulations made under subsection (1).
- (5) The amount of unpaid levy is recoverable in a court of competent jurisdiction as a debt due to the Crown.
- (6) An order made under subsection (1) is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

Section 35B: inserted, on 30 September 2006, by section 23 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 35B(6): replaced, on 5 August 2013, by section 77(3) of the Legislation Act 2012 (2012 No 119).

36 Application for registration

- (1) Except as provided in subsections (2) and (3), every person who owns a dog shall make an application to the territorial authority in whose district the dog is ordinarily kept to register the dog not later than the first day of every registration year.
- (1A) Every person who owns a dog classified as a working dog under paragraph (b)(ii) of the definition of working dog in section 2 must identify the dog accordingly in the application to register the dog.
- (2) Where a dog is of the age of 3 months or less, the application to register the dog shall be made before the dog attains the age of 3 months.
- (3) Where an unregistered dog is purchased or otherwise acquired, the application to register the dog shall be made forthwith or before the day on which the dog attains the age of 3 months, whichever is the later.
- (4) Every application to register a dog shall be made in the prescribed form and shall be signed by the owner of the dog.
- (5) The territorial authority shall supply every owner from whom it has received an application form with—

- (a) a copy of the application form or a statement setting out—
 - (i) the obligations of the owner under sections 52 and 54; and
 - (ii) any other obligations imposed on the owner; and
 - (iii) such other information (if any) relating to the administration of this Act as the territorial authority considers desirable; and
- (b) a copy of the policy for the time being in force under section 10.

Compare: 1982 No 42 s 36; 1990 No 27 s 43

Section 36(1A): inserted, on 28 June 2006, by section 16 of the Dog Control Amendment Act 2006 (2006 No 23).

Section 36(3): amended, on 7 July 2004, by section 16 of the Dog Control Amendment Act 2004 (2004 No 61).

36A Microchip transponder must be implanted in certain dogs

- (1) This section applies to a dog that—
 - (a) is classified as dangerous under section 31 on or after 1 December 2003; or
 - (b) is classified as menacing under section 33A or section 33C on or after 1 December 2003; or
 - (c) is registered for the first time on or after 1 July 2006.
- (2) The owner of the dog must, for the purpose of providing permanent identification of the dog, arrange for the dog to be implanted with a functioning microchip transponder of the prescribed type and in the prescribed manner.
- (2A) Subsection (2) does not apply to a dog as defined in paragraph (b)(ii) of the definition of working dog in section 2 registered as a working dog under section 46(1) and wearing a collar, label, or disc as provided in section 34(4)(b).
- (3) Subsection (2) is complied with by the owner,—
 - (a) for a dog that is classified as dangerous or menacing, by making the dog available, in accordance with the reasonable instructions of the territorial authority, for verification that it has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location;
 - (b) for a dog that is registered for the first time on or after 1 July 2006, by—
 - (i) making the dog available, in accordance with the reasonable instructions of the territorial authority, for verification that it has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location; or
 - (ii) providing to the territorial authority a certificate issued by a veterinarian certifying—

- (A) that the dog is or has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location; or
 - (B) that, for the reasons that are specified in the certificate, the dog will not be in a fit condition to be implanted with a functioning microchip transponder of the prescribed type and in the prescribed location before a date specified in the certificate.
- (3A) A certificate issued by a veterinarian under subsection (3)(b)(ii) must include the following information:
 - (a) the unique identifier of the microchip transponder (if subsection (3)(b)(ii)(A) applies); and
 - (b) the name and sex of the dog; and
 - (c) a physical description of the dog, which may include the breed, the colour, and any distinguishing marks; and
 - (d) if the dog is registered, the registration number of the label or disc issued for the dog; and
 - (e) the name, date of birth, and address of the owner of the dog.
- (4) If a certificate under subsection (3)(b)(ii)(B) is produced to the territorial authority, the owner must produce to the territorial authority, within 1 month after the date specified in the certificate, a further certificate under subsection (3)(b)(ii).
- (5) The owner must comply with subsection (2)—
 - (a) within 2 months from 1 July 2006, if the dog is classified as dangerous or menacing on or after 1 December 2003 but before 1 July 2006; or
 - (b) within 2 months after the date on which the dog is classified as dangerous or menacing or is registered (as the case may be), in any other case.
- (5A) Subsection (2) does not apply if—
 - (a) as a requirement of this Act, the dog has been previously implanted with a functioning microchip transponder of the prescribed type and in the prescribed location; or
 - (b) in any other case, the territorial authority has verified that the dog has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location.
- (6) Every person commits an offence and is liable on conviction to a fine not exceeding \$3,000 who fails to comply with subsection (2) or subsection (5).
- (7) *[Repealed]*

Section 36A: inserted, on 1 July 2006, by section 24 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 36A(2A): inserted (with effect on 1 July 2006), on 28 June 2006, by section 17 of the Dog Control Amendment Act 2006 (2006 No 23).

Section 36A(3): substituted (with effect on 1 July 2006), on 7 July 2004, by section 17(1) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 36A(3A): inserted (with effect on 1 July 2006), on 7 July 2004, by section 17(1) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 36A(4): amended (with effect on 1 July 2006), on 28 June 2006, by section 18(1)(a) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 36A(4): amended (with effect on 1 July 2006), on 28 June 2006, by section 18(1)(b) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 36A(5): substituted (with effect on 1 July 2006), on 7 July 2004, by section 17(2) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 36A(5A): inserted (with effect on 1 July 2006), on 7 July 2004, by section 17(2) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 36A(6): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 36A(7): repealed (without coming into force), on 28 June 2006, by section 18(2) of the Dog Control Amendment Act 2006 (2006 No 23).

37 Territorial authority to set fees

- (1) The dog control fees payable to a territorial authority shall be those reasonable fees prescribed by resolution of that authority for the registration and control of dogs under this Act.
- (2) Any resolution made under subsection (1) may—
 - (a) fix fees for neutered dogs that are lower than the fee for dogs that have not been neutered:
 - (b) fix fees for working dogs that are lower than the fee for any other dog, and may limit the number of working dogs owned by any person which qualify for lower fees under this section:
 - (c) fix different fees for the various classes of working dogs:
 - (d) fix fees for dogs under a specified age (not exceeding 12 months) that are lower than the fee that would otherwise be payable for those dogs:
 - (e) fix, for any dog that is registered by any person who demonstrates to the satisfaction of any dog control officer that that person has a specified level of competency in terms of responsible dog ownership, a fee that is lower than the fee that would otherwise be payable for that dog:
 - (f) fix by way of penalty, subject to subsection (3), an additional fee, for the registration on or after the first day of the second month of the registration year or such later date as the authority may fix, of any dog that was required to be registered on the first day of that registration year:
 - (g) fix a fee for the issue of a replacement registration label or disc for any dog.

- (3) Any additional fee by way of penalty fixed under subsection (2)(f) shall not exceed 50% of the fee that would have been payable if the dog had been registered on the first day of the registration year.
- (4) In prescribing fees under this section, the territorial authority shall have regard to the relative costs of the registration and control of dogs in the various categories described in paragraphs (a) to (e) of subsection (2), and such other matters as the territorial authority considers relevant.
- (5) Where any 2 or more territorial authorities have formed a joint standing or joint special committee in accordance with section 7, the resolution of that committee under subsection (1) may fix different fees in respect of dogs kept in the different districts, having regard to the costs of registration and dog control in the districts concerned.
- (6) The territorial authority shall, at least once during the month preceding the start of every registration year, publicly notify in a newspaper circulating in its district the dog control fees fixed for the registration year.
- (7) Failure by the territorial authority to give the public notice required by subsection (6), or the occurrence of any error or misdescription in such public notice, shall not affect the liability of any person to comply with this Act or to pay any fee that is prescribed by the territorial authority under subsection (1).
- (8) No increase in the dog control fees for any year shall come into effect other than at the commencement of that year.
- (9) This section shall come into force on the day on which this Act receives the Royal assent.

Compare: 1982 No 42 s 49; 1990 No 27 s 44

38 Registration fee for certain dogs registered on or after 2 August

- (1) A territorial authority must reduce the registration fee for a dog, but only if, in a registration year,—
 - (a) the dog is less than 3 months old on or after 2 August; or
 - (b) the dog is imported into New Zealand for the first time on or after 2 August.
- (2) The fee payable for the dog under subsection (1) must be calculated by—
 - (a) dividing the registration fee payable for a full year by 12; and
 - (b) multiplying that amount by the number of complete months remaining in the registration year.

Section 38: substituted, on 28 June 2006, by section 19 of the Dog Control Amendment Act 2006 (2006 No 23).

39 Refund and reduction of fees

- (1) Where the fee for the registration of any dog for any year is paid and the dog dies before the commencement of or during that year, the territorial authority

shall refund, upon request, in the case of a dog that dies before the commencement of the year, the full fee paid, and, in the case of a dog that dies during the year, the appropriate part of that fee.

- (2) The part fee refundable under subsection (1) shall be calculated on the basis of the number of complete months remaining in the registration year after the date of the request for the refund.
- (3) Notwithstanding anything in this or any other provision of this Act, the territorial authority may remit, reduce, or refund the dog control fee or part of the fee in any particular case or class of cases by reason of the financial circumstances of the owner or where it is satisfied that there are special grounds for doing so.

Compare: 1982 No 42 s 51; 1990 No 27 s 46

40 Proof of class of dog

- (1) Where the territorial authority fixes a fee for the registration of a working dog that is lower than that fixed for a dog that is not a working dog, any person claiming to register any dog as a working dog shall, if so required by the territorial authority, make a written statement that the dog is a working dog of a specified class.
- (2) Where the territorial authority fixes a fee for the registration of a neutered dog that is lower than that fixed for a dog that has not been neutered, any person claiming to register a neutered dog shall, if so required by the territorial authority, produce to the territorial authority a certificate issued by a veterinarian and certifying that the dog has been neutered.

Compare: 1982 No 42 s 37

Section 40(2): amended, on 28 June 2006, by section 29(7) of the Dog Control Amendment Act 2006 (2006 No 23).

41 Penalty for false statement relating to application for registration

Every person commits an offence and is liable on conviction to a fine not exceeding \$3,000 who, in making an application for the registration of a dog, makes any written statement knowing that statement to be false.

Compare: 1982 No 42 s 38

Section 41: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 41: amended, on 1 December 2003, by section 25 of the Dog Control Amendment Act 2003 (2003 No 119).

41A Dead dogs

Every person commits an offence and is liable on conviction to a fine not exceeding \$3,000 who makes any written statement to a territorial authority to the effect that a dog is dead knowing that statement to be false.

Section 41A: inserted, on 28 June 2006, by section 20 of the Dog Control Amendment Act 2006 (2006 No 23).

Section 41A: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

42 Offence of failing to register dog

- (1) Every person commits an offence and is liable on conviction to a fine not exceeding \$3,000 who is the owner of a dog of a greater age than 3 months unless the dog is registered under this Act for the current registration year.
- (2) If a territorial authority has reasonable grounds to believe that a person has failed to comply with subsection (1), a dog control officer or dog ranger may—
 - (a) seize and impound the dog; and
 - (b) for the purposes of paragraph (a), enter, at any reasonable time, any land or premises (except a dwellinghouse) occupied by the owner of the dog.
- (3) This section does not apply to any person operating a pound or facility, or having custody of an unregistered dog for the purposes of—
 - (a) impounding the dog under this Act; or
 - (b) confining the dog in a transitional facility or containment facility approved under section 39 of the Biosecurity Act 1993; or
 - (c) keeping the dog in the custody of a society established to prevent cruelty to animals pending the dog's—
 - (i) recovery by its owner; or
 - (ii) disposal to a new owner.
- (4) However,—
 - (a) a person to whom subsection (3)(a) applies must not dispose of a dog other than in accordance with section 69A; and
 - (b) a person to whom subsection (3)(b) or subsection (3)(c) applies must not dispose of a dog (other than by destroying it), unless the dog is first registered under this Act.

Compare: 1982 No 42 s 39

Section 42: substituted, on 1 December 2003, by section 26 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 42(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 42(1): amended, on 28 June 2006, by section 21 of the Dog Control Amendment Act 2006 (2006 No 23).

Section 42(3): substituted, on 7 July 2004, by section 18 of the Dog Control Amendment Act 2004 (2004 No 61).

Section 42(4): added, on 7 July 2004, by section 18 of the Dog Control Amendment Act 2004 (2004 No 61).

43 Registration of impounded dog, dog in quarantine, or dog in custody of society established to prevent cruelty to animals

[Repealed]

Section 43: repealed, on 7 July 2004, by section 19 of the Dog Control Amendment Act 2004 (2004 No 61).

44 Dog not wearing proper label or disc deemed unregistered

Any dog not wearing a collar having a current registration label or disc attached shall, until the contrary is proved, be deemed to be unregistered.

Compare: 1982 No 42 s 41

45 Burden of proof on owner of dog

In any proceedings under this Act the proof that a dog was duly registered, or is not over the age of 3 months, shall be on the defendant.

Compare: 1982 No 42 s 42

46 Issue of label or disc and completion of registration

- (1) On receipt of the properly completed application form and the applicable dog control fee, the territorial authority shall, unless the registration of that dog in the ownership of that person would be in breach of section 23 or section 28, issue to the owner of the dog a receipt for the fee paid and a label or disc for the registration year, and, upon the issue of such label or disc, registration shall be deemed to have been duly made.
- (2) The owner of the dog shall ensure that the label or disc issued by the territorial authority is attached to a collar worn on the neck of the dog so registered.
- (3) If the authority is satisfied that a current label or disc for any dog has been lost, stolen, damaged, or destroyed, it shall, on receipt of the appropriate fee, issue a replacement label or disc.
- (4) Every person commits an offence and is liable on conviction to a fine not exceeding \$3,000 who procures or attempts to procure a replacement label or disc for any dog knowing that a current label or disc for that dog has not been lost or stolen.

Compare: 1982 No 42 s 43

Section 46(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 46(4): amended, on 1 December 2003, by section 27 of the Dog Control Amendment Act 2003 (2003 No 119).

47 Registration to extend over New Zealand

Every registration made under this Act shall be in force throughout New Zealand.

Compare: 1982 No 42 s 44

48 Change of ownership of dog

- (1) Where the ownership of any dog is changed, any registration of the dog shall continue in force, but the previous owner and the new owner shall each within 14 days give written notice to the territorial authority or territorial authorities concerned of the change of ownership and of the residential address of the new owner and the address at which the dog will ordinarily be kept.
- (2) Where the dog is registered, the territorial authority or territorial authorities concerned shall, without fee, record the changes in their registers and the territorial authority in whose district the dog is ordinarily to be kept shall, without fee, issue a new label or disc for the dog.
- (3) Every person commits an offence and is liable on conviction to a fine not exceeding \$500 who fails to comply with the requirements of subsection (1).
- (4) It shall be a defence to a charge of failing to comply with the requirements of subsection (1) if the defendant satisfies the court that the previous owner or the new owner, as the case may be, complied with the requirements of that subsection.

Compare: 1982 No 42 s 45

Section 48 heading: amended, on 28 June 2006, by section 22 of the Dog Control Amendment Act 2006 (2006 No 23).

Section 48(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 48(3): amended, on 1 December 2003, by section 28 of the Dog Control Amendment Act 2003 (2003 No 119).

49 Transfer of dog from one address or district to another

- (1) Where the owner of any dog changes his or her address within the district of a territorial authority, he or she shall, within 14 days, give notice in writing of his or her change of address to the territorial authority.
- (2) Where any dog is transferred to and is kept, for a period of 1 month or more, in any territorial authority district other than that in which it has been kept, the owner shall, within 6 weeks of the transfer, give notice in writing of the transfer to the territorial authority in whose district the dog has been kept and to the territorial authority to whose district the dog is transferred, setting out the address at which the dog will ordinarily be kept.
- (3) Where the dog is registered, the territorial authority or territorial authorities concerned shall, without fee, record the changes in its register or their registers, and the territorial authority in whose district the dog is ordinarily to be kept shall, without fee, issue a new label or disc for the dog.
- (4) Every person commits an offence and is liable on conviction to a fine not exceeding \$500 who fails to comply with subsection (1) or subsection (2).

Compare: 1982 No 42 s 46

Section 49(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 49(4): amended, on 1 December 2003, by section 29 of the Dog Control Amendment Act 2003 (2003 No 119).

50 Dog not wearing proper label or disc may be impounded

- (1) Where any dog over the age of 3 months not wearing a collar having a current registration label or disc attached is found on any land or premises other than the land or premises of the owner of the dog, or any such dog is found in any public place,—
 - (a) any dog control officer or dog ranger may seize and impound the dog; or
 - (b) the occupier or person in charge of the land, premises, or public place may seize the dog and deliver it to the custody of a dog control officer or dog ranger for impounding.
- (2) Nothing in this section shall authorise any person to seize any dog that is under the control of any other person.
- (3) Nothing in this section shall authorise any dog control officer or dog ranger to enter on any land or premises other than a public place without the consent (express or implied) of the occupier or person in apparent charge of the land or premises.

Compare: 1982 No 42 s 47

51 Offences relating to collars, labels, and discs

- (1) Every person commits an offence and is liable on conviction to a fine not exceeding \$3,000 who, with intent to deceive,—
 - (a) removes from a dog a collar bearing a label or disc issued under this Act; or
 - (b) removes any such label or disc attached to any collar worn by any dog; or
 - (c) attaches to any dog or has in that person's keep any dog wearing any such label or disc issued in respect of another dog; or
 - (d) makes or counterfeits or, knowing the same to be false or counterfeit, purchases, uses, or has in that person's possession, any label or disc resembling or apparently intended to resemble or pass for a label or disc issued under this Act.
- (2) Where a person is convicted of an offence against paragraph (a) or paragraph (b) of subsection (1), and the dog has been impounded in consequence of the removal of that collar, label, or disc, the court may order that person to pay to the owner any fees payable by the owner relating to the impounding of the dog and, if the dog has been sold or destroyed, the full value of that dog as determined by the court.

Compare: 1982 No 42 s 48

Section 51(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 51(1): amended, on 1 December 2003, by section 30 of the Dog Control Amendment Act 2003 (2003 No 119).

Obligations of owner

52 Control of dogs generally

- (1) The owner of any dog shall keep that dog under control at all times.
- (2) Without limiting the generality of subsection (1), a dog shall, for the purposes of this Act, be deemed to be not under control—
 - (a) if it is found at large on any land or premises other than a public place or a private way without the consent (express or implied) of the occupier or person in charge of that land or those premises; or
 - (b) if it is found at large in any public place or in any private way in contravention of any regulation or bylaw.
- (3) Where a dog is not under control in terms of subsection (2), the dog control officer or dog ranger may seize the dog and cause it to be returned to its owner or impounded.
- (3A) A dog control officer or dog ranger in fresh pursuit of a dog that has been not under control in terms of subsection (2) may, at any reasonable time, enter on any land or premises (except a dwellinghouse) to seize and impound a dog if—
 - (a) the dog is identified by the dog control officer or dog ranger; and
 - (b) the dog is not under the control of any person or otherwise constrained; and
 - (c) no person, other than a person under the age of 16 years, is present.
- (4) Where, in the opinion of—
 - (a) the occupier of any land or premises, or of any other person acting with the authority of such occupier (whether express or implied); or
 - (b) any person in any public place or in any private way,—a dog is likely to cause annoyance or distress to any person or animal or damage to any property on the land or premises or in any public place or in any private way, the occupier or person may seize the dog and cause the dog to be returned to its owner, or to be delivered into the custody of a dog control officer or dog ranger.
- (5) Nothing in subsection (4) authorises any person to seize any dog that is under the direct control of any other person.
- (6) Where a dog is, under subsection (4), delivered into the custody of a dog control officer or dog ranger, the dog control officer or dog ranger may cause the dog to be returned to its owner or impounded.

- (7) Except as provided in subsection (3A), nothing in this section shall authorise a dog control officer or dog ranger to enter upon any land or premises other than a public place or a private way for the purposes of this section without the consent (express or implied) of the occupier or person for the time being in apparent charge of that land or those premises.

Compare: 1982 No 42 s 52

Section 52 heading: amended, on 1 December 2003, by section 31(1) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 52(3A): inserted, on 1 December 2003, by section 31(2) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 52(7): amended, on 1 December 2003, by section 31(3) of the Dog Control Amendment Act 2003 (2003 No 119).

52A Control of dog on owner's property

- (1) This section applies when a dog is on land or premises occupied by its owner.
- (2) The owner of a dog must, at all times, ensure that either—
- (a) the dog is under the direct control of a person; or
 - (b) the dog is confined within the land or premises in such a manner that it cannot freely leave the land or premises.
- (3) Every person commits an offence and is liable on conviction to a fine not exceeding \$3,000 who fails to comply with subsection (2).
- (4) If a person fails to comply with subsection (2), a dog control officer or dog ranger may—
- (a) seize and impound the dog; and
 - (b) for the purposes of paragraph (a), enter, at any reasonable time, the land or premises (except a dwellinghouse) owned or occupied by the owner of the dog.

Section 52A: inserted, on 1 June 2004, by section 32 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 52A(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

53 Offence of failing to keep dog under control

- (1) Every person commits an offence and is liable on conviction to a fine not exceeding \$3,000 who, being the owner of a dog, fails to keep that dog under control.
- (2) Notwithstanding section 52(2)(b), an owner of a dog does not commit an offence against subsection (1) by reason only of the dog being found at large in a public place in contravention of any regulation or bylaw.

Section 53(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 53(1): amended, on 1 December 2003, by section 33 of the Dog Control Amendment Act 2003 (2003 No 119).

54 Obligations of dog owner

- (1) The owner of any dog shall—
 - (a) ensure that the dog receives proper care and attention and is supplied with proper and sufficient food, water, and shelter; and
 - (b) ensure that the dog receives adequate exercise.
- (2) Every person commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$5,000 who, being the owner of any dog, fails to comply with subsection (1).

Compare: 1982 No 42 s 53

Section 54(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

54A Owner must use or carry leash in public

- (1) The owner of a dog must carry a leash when in a public place if—
 - (a) the dog is with the owner; and
 - (b) the dog is not otherwise required to be controlled on a leash by or under this Act or any other enactment.
- (2) Every person commits an offence and is liable on conviction to a fine not exceeding \$500 who, being the owner of a dog, fails to comply with subsection (1).
- (3) This section does not apply to the owner of a working dog in relation to the working dog.

Section 54A: inserted, on 1 December 2003, by section 34 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 54A(1): substituted, on 7 July 2004, by section 20(1) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 54A(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 54A(3): amended, on 7 July 2004, by section 20(2) of the Dog Control Amendment Act 2004 (2004 No 61).

55 Barking dogs

- (1) Where a dog control officer or dog ranger has received a complaint and has reasonable grounds for believing that a nuisance is being created by the persistent and loud barking or howling of any dog, the dog control officer or dog ranger may—
 - (a) enter at any reasonable time upon the land or premises, other than a dwellinghouse, on which the dog is kept, to inspect the conditions under which the dog is kept; and
 - (b) whether or not the dog control officer or dog ranger makes such entry, give the owner of the dog a written notice requiring that person to make such reasonable provision on the property to abate the nuisance as shall

be specified in the notice or, if considered necessary, to remove the dog from the land or premises.

- (2) Any person on whom notice is served under subsection (1) may, within 7 days of the receipt of the notice, object in writing to the territorial authority against the requirements of that notice.
- (3) The territorial authority shall consider the objection and may confirm, modify, or cancel the notice.
- (4) No objection under this section shall be considered unless 7 days' notice of the date and time when and the place at which it is to be considered have been given to the objector, who shall be entitled to be represented and to be heard and may submit evidence and call witnesses in support of his or her objection.
- (5) Upon the determination of the objection, the territorial authority shall give to the objector a further notice stating the decision of the authority, and, if the effect of the decision is to modify the requirements of the dog control officer or dog ranger, shall set out those requirements as so modified.
- (6) As from the lodging of an objection with the territorial authority, and pending the receipt of a further notice upon the determination of the objection, the notice setting out the requirements that are the subject of the objection shall be deemed to be suspended.
- (7) Every person commits an offence and is liable on conviction to a fine not exceeding \$1,500 who, having been served with a notice under this section,—
 - (a) fails or neglects to comply with that notice (not being a notice that has been suspended under subsection (6)) within 7 days of its receipt by that person;
 - (b) fails or neglects to comply with any notice as modified or confirmed by a territorial authority under subsection (3) within the time specified by the territorial authority.

Compare: 1982 No 42 s 54

Section 55(7): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

56 Removal of barking dog causing distress

- (1) This section shall apply in any case where, at any time after a notice under section 55 has been issued,—
 - (a) the notice has not been cancelled under subsection (3) of that section; and
 - (b) the notice has not been complied with; and
 - (c) a dog control officer or dog ranger has received a further complaint and has reasonable grounds for believing that the nuisance in respect of which the notice is issued is continuing and is causing distress to any person.

- (2) In any case to which subsection (1) applies, the dog control officer or dog ranger may enter upon the land or premises on which the dog is kept and remove the dog and the dog shall be kept in custody under section 70.
- (3) Nothing in this section shall authorise any dog control officer or dog ranger to enter any dwellinghouse unless—
 - (a) he or she is authorised to enter by a warrant issued by an issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) made on application by the dog ranger or dog control officer in the manner provided for an application for a search warrant in subpart 3 of Part 4 of the Search and Surveillance Act 2012; and
 - (b) he or she is accompanied by a constable.
- (3A) None of the following persons may act as an issuing officer under this section:
 - (a) the mayor or any elected member of the local authority that employs or engages the dog ranger or dog control officer; or
 - (b) any employee of the local authority that employs or engages the dog ranger or dog control officer.
- (4) Where a dog is removed pursuant to subsection (2), the dog control officer or dog ranger shall give written notice in the prescribed form to the owner of the dog or, if the owner is not present, the person for the time being appearing to be in charge of the land or premises and, if no person is present on the property, shall leave such notice in some conspicuous place on the land or premises.
- (5) The provisions of subparts 1, 3, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 apply in respect of an authority applied for or issued under subsection (3).

Section 56(3)(a): replaced, on 1 October 2012, by section 233(1) of the Search and Surveillance Act 2012 (2012 No 24).

Section 56(3A): inserted, on 1 October 2012, by section 233(2) of the Search and Surveillance Act 2012 (2012 No 24).

Section 56(5): inserted, on 1 October 2012, by section 233(3) of the Search and Surveillance Act 2012 (2012 No 24).

57 Dogs attacking persons or animals

- (1) A person may, for the purpose of stopping an attack, seize or destroy a dog if—
 - (a) the person is attacked by the dog; or
 - (b) the person witnesses the dog attacking any other person, or any stock, poultry, domestic animal, or protected wildlife.
- (2) The owner of a dog that makes an attack described in subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$3,000 in addition to any liability that he or she may incur for any damage caused by the attack.
- (3) If, in any proceedings under subsection (2), the court is satisfied that the dog has committed an attack described in subsection (1) and that the dog has not

been destroyed, the court must make an order for the destruction of the dog unless it is satisfied that the circumstances of the offence were exceptional and do not warrant destruction of the dog.

- (4) If a person seizes a dog under subsection (1), he or she must, as soon as practicable, deliver the dog into the custody of a dog ranger or dog control officer.
- (5) If a dog control officer or dog ranger has reasonable grounds to believe that an offence has been committed under subsection (2), he or she may—
 - (a) seize and take custody of the dog; or
 - (b) if seizure of the dog is not practicable, destroy the dog.
- (6) A dog control officer or dog ranger may enter land or premises for the purposes of subsection (5), but may enter any dwellinghouse on the land or premises only if—
 - (a) he or she is in fresh pursuit of a dog that—
 - (i) he or she has reasonable grounds to believe has committed an attack described in subsection (1); and
 - (ii) has been identified by a witness to the attack; or
 - (b) he or she is authorised to enter by a warrant issued by an issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012), made on application by the dog ranger or dog control officer in the manner provided for an application for a search warrant in subpart 3 of Part 4 of the Search and Surveillance Act 2012, who must not issue a warrant unless the issuing officer is satisfied that there are reasonable grounds to believe that an offence has been committed under subsection (2), and, in the case of a dog control officer, he or she is accompanied by a constable.
- (6A) None of the following persons may act as an issuing officer under this section:
 - (a) the mayor or any elected member of the local authority that employs or engages the dog ranger or dog control officer; or
 - (b) any employee of the local authority that employs or engages the dog ranger or dog control officer.
- (6B) The provisions of subparts 1, 3, 7, 9, and 10 of Part 4 of the Search and Surveillance Act 2012 apply in respect of an authority applied for or issued under subsection (6).
- (7) To avoid doubt, a constable may exercise the powers conferred on a dog control officer or dog ranger by this section.
- (8) This section, section 57A, and section 58 do not apply in respect of a dog that—
 - (a) is kept, or is being used, or is certified for use by a specified agency; and

- (b) is being used for the purpose of carrying out in a lawful manner any function, duty, or power of that agency.

Compare: 1982 No 42 s 56(1)–(5), (7)

Section 57: substituted, on 1 December 2003, by section 35 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 57(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 57(6)(b): amended, on 1 October 2012, by section 233(4) of the Search and Surveillance Act 2012 (2012 No 24).

Section 57(6A): inserted, on 1 October 2012, by section 233(5) of the Search and Surveillance Act 2012 (2012 No 24).

Section 57(6B): inserted, on 1 October 2012, by section 233(5) of the Search and Surveillance Act 2012 (2012 No 24).

Section 57(7): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

57A Dogs rushing at persons, animals, or vehicles

- (1) This section applies to a dog in a public place that—
 - (a) rushes at, or startles, any person or animal in a manner that causes—
 - (i) any person to be killed, injured, or endangered; or
 - (ii) any property to be damaged or endangered; or
 - (b) rushes at any vehicle in a manner that causes, or is likely to cause, an accident.
- (2) If this section applies,—
 - (a) the owner of the dog commits an offence and is liable on conviction to a fine not exceeding \$3,000 in addition to any liability that he or she may incur for any damage caused by the dog; and
 - (b) the court may make an order for the destruction of the dog.
- (3) A dog control officer or dog ranger who has reasonable grounds to believe that an offence has been committed under subsection (2)(a) may, at any time before a decision of the court under that subsection, seize or take custody of the dog and may enter any land or premises (except a dwellinghouse) to do so.

Section 57A: inserted, on 1 December 2003, by section 36 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 57A(2)(a): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

58 Dogs causing serious injury

The owner of any dog that attacks any person or any protected wildlife and causes—

- (a) serious injury to any person; or
- (b) the death of any protected wildlife; or

- (c) such injury to any protected wildlife that it becomes necessary to destroy the animal to terminate its suffering,—

commits an offence and is liable on conviction to imprisonment for a term not exceeding 3 years or a fine not exceeding \$20,000, or both, and the court shall, on convicting the owner, make an order for the destruction of the dog unless satisfied that the circumstances of the attack were exceptional and do not justify destruction.

Section 58: amended, on 1 December 2003, by section 37 of the Dog Control Amendment Act 2003 (2003 No 119).

59 Seizure or destruction of dog at large in vicinity of protected wildlife

- (1) Where any dog is at large and is an immediate disturbance or threat to any protected wildlife,—
- (a) the occupier or person having control of the land on which the dog is, for the time being, situated, or any agent or employee of that person; or
- (b) any constable, dog control officer, or dog ranger acting with the consent of any person specified in paragraph (a),—
- may forthwith either seize or destroy that dog.
- (2) Where, under subsection (1), a dog is seized by any person other than a dog control officer or dog ranger, that person shall ensure that the dog is returned to its owner or delivered into the custody of a dog control officer or dog ranger.

60 Seizure or destruction of dog running at large among stock or poultry

- (1) The owner of any stock or poultry or that owner's agent or employee, or any constable, dog control officer, or dog ranger acting at the request of that owner, may forthwith either seize or destroy any dog running at large among that stock or poultry.
- (2) Where, under subsection (1), a dog is seized by any person other than a dog control officer or dog ranger, that person shall ensure that the dog is returned to its owner or delivered into the custody of a dog control officer or dog ranger.

Compare: 1982 No 42 s 59

61 Orders relating to dog seen worrying stock

- (1) Where complaint is made to the District Court by the owner of any stock or poultry, or the occupier of any land on which there is stock or poultry, that any dog has been seen at large among that stock or poultry, the court, if it is satisfied as to the grounds of the complaint, may order the owner to keep the dog under proper restraint or make an order for the destruction of the dog.
- (2) Every person who fails to comply with an order made under subsection (1) requiring that person to keep a dog under proper restraint commits an offence and is liable on conviction to a fine not exceeding \$150 for every day during

which the default has continued; and, in addition, the court may make an order for the destruction of the dog.

Compare: 1982 No 42 s 60

Section 61(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 61(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

62 Allowing dogs known to be dangerous to be at large unmuzzled

- (1) This section applies to a dog owned by a person and known by the person to—
 - (a) be dangerous; or
 - (b) have attacked any person or any stock or poultry or property of any kind.
- (2) The person must not allow the dog to be at large or in any public place or private way, except when confined completely within a vehicle or cage, without being—
 - (a) muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; and
 - (b) controlled on a leash (except when in a dog exercise area specified in a bylaw made under section 20(1)(d)).
- (3) A person whose dog is in the possession of any other person for a period of less than 72 hours must advise that person of the requirement to comply with subsection (2).
- (4) Every person who contravenes subsection (2) commits an offence and is liable on conviction to a fine not exceeding \$3,000, and the court may, on convicting the person, make an order for the destruction of the dog.
- (5) Every person who contravenes subsection (3) commits an offence and is liable on conviction to a fine not exceeding \$500.
- (6) This section does not apply in respect of a dog that—
 - (a) is kept, or used, or is certified for use by a specified agency; and
 - (b) is being used for the purpose of carrying out in a lawful manner any function, duty, or power of that agency.

Compare: 1982 No 42 s 57

Section 62: substituted, on 1 December 2003, by section 38 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 62(3): amended, on 7 July 2004, by section 21(1) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 62(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 62(4): amended, on 7 July 2004, by section 21(1) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 62(5): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 62(5): amended, on 7 July 2004, by section 21(2) of the Dog Control Amendment Act 2004 (2004 No 61).

63 Owner liable for damage done by dog

- (1) The owner of a dog shall be liable in damages for damage done by the dog, and it shall not be necessary for the person seeking damages to show a previous mischievous propensity in the dog, or the owner's knowledge of any such mischievous propensity, or that the damage was attributable to neglect on the part of the owner of the dog.
- (2) This section does not apply in respect of any damage done by a dog that—
 - (a) is kept, or is being used, or is certified for use by a specified agency; and
 - (b) is being used for the purpose of carrying out in a lawful manner any function, duty, or power of that agency; and
 - (c) if, had this section not been enacted, there could be no claim for the damage against the agency concerned or any of its officers or employees or the owner of the dog.

Compare: 1982 No 42 s 61; 1985 No 172 s 3

Section 63(2): substituted, on 1 December 2003, by section 39 of the Dog Control Amendment Act 2003 (2003 No 119).

64 Procedure where order made for destruction of dog

- (1) If the District Court makes an order for the destruction of any dog, any person having custody or control of the dog must—
 - (a) cause the dog to be destroyed immediately; and
 - (b) produce to the territorial authority within 1 month a certificate issued by a veterinarian, or a dog control officer or dog ranger, certifying that the dog has been destroyed.
- (2) Where any such person does not cause the dog to be destroyed forthwith, any constable, dog control officer, or dog ranger may seize and destroy the dog.
- (3) In the exercise of his or her powers under subsection (2), any constable, dog control officer, or dog ranger may, at any reasonable time, enter on any land or premises, including any dwellinghouse, and remove any dog that is the subject of an order for destruction.
- (4) Nothing in subsection (3) shall authorise any dog control officer or dog ranger to enter any dwellinghouse unless he or she is accompanied by a constable.
- (5) Where any dog is destroyed by any dog control officer or dog ranger acting under the authority of this section, the reasonable costs of the collection, destruction, and disposal of the dog shall constitute a debt recoverable by the territorial authority from the owner of the dog.
- (6) A person who fails to comply with subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$3,000.

Compare: 1982 No 42 s 62

Section 64(1): substituted, on 1 December 2003, by section 40(1) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 64(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 64(1)(b): amended, on 28 June 2006, by section 29(8) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 64(6): added, on 1 December 2003, by section 40(2) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 64(6): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Infringement offences

65 Infringement offences

- (1) In this Act, **infringement offence** means an offence specified in Schedule 1.
- (2) Where any person is alleged to have committed an infringement offence, that person may either—
 - (a) be proceeded against by filing a charging document under section 14 of the Criminal Procedure Act 2011; or
 - (b) be served with an infringement notice as provided in section 66.

Section 65(1): amended, on 7 July 2004, by section 22 of the Dog Control Amendment Act 2004 (2004 No 61).

Section 65(2)(a): replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

66 Infringement notices

- (1) Where a dog control officer or dog ranger has reasonable cause to believe that any person has committed an infringement offence under this Act, an infringement notice may be issued to that owner by the dog control officer or dog ranger or by any person so authorised by the territorial authority.
- (2) An infringement notice may be served—
 - (a) by delivering it personally to the person who appears to have committed the infringement offence; or
 - (b) by sending it by post addressed to the person at the person's last known place of residence or business; or
 - (c) where the person is shown as the owner of a dog on a register, by sending it by post to the person at the address recorded on that register.
- (3) An infringement notice sent to a person by post pursuant to paragraph (b) or paragraph (c) of subsection (2) shall be deemed to have been served on the person when it was so posted.
- (4) Every infringement notice shall be in the prescribed form, and shall contain the following particulars:

- (a) such details of the alleged infringement offence as are sufficient fairly to inform a person of the time, place, and nature of the alleged offence; and
 - (b) the amount of the infringement fee specified in respect of that offence in Schedule 1; and
 - (c) the address or addresses at which the infringement fee may be paid; and
 - (d) the time within which the infringement fee may be paid; and
 - (e) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957; and
 - (f) a statement of the right of the person served with the notice to request a hearing; and
 - (g) a statement of the consequences if the person served with the notice does not pay the infringement fee and does not make a request for a hearing; and
 - (h) a summary of the provisions of sections 21(2) and (3), 23, 25(1) and (2), and 27(1); and
 - (i) such other particulars as are prescribed.
- (5) Where an infringement notice has been issued under this section, proceedings in respect of the offence to which the notice relates may be commenced in accordance with section 21 of the Summary Proceedings Act 1957, and in that case the provisions of that section shall, with the necessary modifications, apply.
- (6) A territorial authority may retain the infringement fee received by it for an infringement offence if the infringement notice was issued by a dog control officer or dog ranger appointed by that territorial authority.

Section 66(1): amended, on 1 December 2003, by section 41(1) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 66(2)(c): amended, on 28 June 2006, by section 29(9) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 66(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 66(4)(b): amended, on 7 July 2004, by section 23 of the Dog Control Amendment Act 2004 (2004 No 61).

Section 66(4)(h): amended, on 1 December 2003, by section 41(2) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 66(6): added, on 1 December 2003, by section 41(3) of the Dog Control Amendment Act 2003 (2003 No 119).

Category 1 offences

Heading: inserted, on 14 December 2019, by section 4 of the Dog Control (Category 1 Offences) Amendment Act 2019 (2019 No 75).

66A Jurisdiction for category 1 offences

- (1) The District Court presided over by 2 or more Justices of the Peace has jurisdiction in respect of any category 1 offence under this Act.
- (2) Subsection (1) does not apply to the offences described in the following sections:
 - (a) section 32(2):
 - (b) section 57(2):
 - (c) section 57A(2):
 - (d) section 61(2):
 - (e) section 62(4):
 - (f) section 78(3).
- (3) In this section, **category 1 offence** has the same meaning as in section 6(1) of the Criminal Procedure Act 2011.

Section 66A: inserted, on 14 December 2019, by section 4 of the Dog Control (Category 1 Offences) Amendment Act 2019 (2019 No 75).

*Custody of dogs***67 Provision of pound facilities**

Every territorial authority, either singly or jointly with any 1 or more other territorial authorities, shall make such provision as is necessary for the proper custody, care, and exercise of dogs impounded, seized, or committed to its custody or the custody of a dog control officer or dog ranger under this Act, and for that purpose may—

- (a) establish, maintain, and operate a dog pound either separately or in association with any pound established under any other Act:
- (b) enter into an agreement with any person, upon such terms and conditions as it thinks fit, for that person to provide proper custody, care, and exercise for such dogs.

Compare: 1982 No 42 s 64

68 Pound fees

- (1) Any territorial authority may from time to time set reasonable poundage fees and reasonable fees for the following matters:
 - (a) the seizure of dogs by dog control officers or dog rangers under this Act:
 - (b) the sustenance of any dog impounded under this Act:
 - (c) the destruction of any dog impounded under this Act.

- (2) The amount of any fee referred to in subsection (1) shall be such as may from time to time be fixed by resolution of the territorial authority, which resolution shall be publicly notified, at least 14 days before the resolution comes into effect, in a newspaper circulating in the district of the territorial authority.
- (3) In setting poundage fees under subsection (1), the territorial authority may—
 - (a) set different fees for registered and unregistered dogs:
 - (b) set a graduated scale of fees for the repeated impounding of the same dog.
- (4) Any fee fixed under this section shall, if so required by the territorial authority, be paid before the dog is released from the pound.

Compare: 1982 No 42 s 65

69 Impounding and subsequent disposal of dog

- (1) Except as provided in subsection (7) and sections 70, 71, and 71A, where any constable, dog control officer, or dog ranger seizes or is given custody of any dog under this Act, that dog shall, unless it is returned to its owner under subsection (3) or subsection (6) of section 52, be impounded until it is disposed of in accordance with this section.
- (2) As soon as practicable after any dog has been impounded, the territorial authority shall, in the case of a dog wearing a current registration label or disc or where the owner of the dog is known through some other means, give written notice to the owner that the dog has been impounded and that unless the dog is claimed and any fee paid within 7 days of the receipt of that notice, it may be sold, destroyed, or otherwise disposed of in such manner as the territorial authority thinks fit; and after the expiry of that period the territorial authority may so dispose of the dog.
- (3) Where the owner of the dog is not known and cannot be identified from the dog registration label or disc, the territorial authority may, after the expiration of 7 days after the date of seizure of the dog, sell, destroy, or otherwise dispose of the dog in such manner as it thinks fit.
- (4) The proceeds of the sale of any dog under subsection (2) or subsection (3) may be applied by the territorial authority towards any fees payable to it under this Act by the owner of the dog, and any surplus shall be paid into the dog control account of the territorial authority.
- (5) The territorial authority shall maintain a record of each dog impounded by it and the method of disposal of that dog.
- (6) The sale, destruction, or other disposal of a dog under this section shall not relieve the former owner of the dog of the liability for the payment of any fees payable under this Act.

- (7) Nothing in subsections (1) to (3) shall apply in any case where a constable, dog control officer, or dog ranger seizes or is given custody of a dog pursuant to an order of the District Court that the dog be destroyed.
- (8) This section does not limit or affect the power of the territorial authority to destroy a dog under section 139 of the Animal Welfare Act 1999.

Compare: 1982 No 42 s 66

Section 69(1): amended, on 28 June 2006, by section 29(10)(a) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 69(1): amended, on 28 June 2006, by section 29(10)(b) of the Dog Control Amendment Act 2006 (2006 No 23).

Section 69(8): added, on 1 January 2000, by section 194 of the Animal Welfare Act 1999 (1999 No 142).

69A Impounded dog must be microchipped and registered before release

- (1) A registered dog that has been impounded by a territorial authority under this Act may not be released to any person (other than for the purposes of destroying it) without first being implanted with a functioning microchip transponder of the prescribed type and in the prescribed manner.
- (2) Subsection (1) does not apply to a registered dog that has been impounded by the territorial authority for the first time.
- (3) An unregistered dog that has been impounded by a territorial authority under this Act may not be released to any person (other than for the purposes of destroying it) without first being registered under this Act.
- (4) An unregistered dog that has been impounded by a territorial authority under this Act may not be released to any person (other than for the purposes of destroying it) without first being implanted with a functioning microchip transponder of the prescribed type and in the prescribed manner.
- (5) Subsections (1) and (4) do not apply if,—
 - (a) as a requirement of this Act, the dog has been previously implanted with a functioning microchip transponder of the prescribed type and in the prescribed location; or
 - (b) in any other case, the territorial authority has verified that the dog has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location.
- (6) A territorial authority that implants in a dog, or causes a dog to be implanted with, a microchip transponder under this section may recover all the costs in relation to the procedure from—
 - (a) the owner of the dog; or
 - (b) the person taking possession of the dog.

Section 69A: inserted, on 1 July 2006, by section 24 of the Dog Control Amendment Act 2004 (2004 No 61).

Section 69A(3): brought into force, on 7 July 2004, by section 2(3) of the Dog Control Amendment Act 2004 (2004 No 61).

Section 69A(6): added (with effect on 1 July 2006), on 28 June 2006, by section 23 of the Dog Control Amendment Act 2006 (2006 No 23).

70 Custody of dog removed for barking

- (1) Every dog removed under section 56 shall be kept in custody and given proper care and exercise, whether in the facilities provided under section 67 or otherwise but, except as provided in subsection (7) of this section, nothing in section 69 shall apply to the dog.
- (2) The owner of any dog which is, for the time being, kept in custody under subsection (1) may apply at any time to the territorial authority for the return of the dog.
- (3) Where application is made under subsection (2) and the territorial authority is satisfied the return of the dog will not result in a resumption of the nuisance, the territorial authority shall, subject to subsection (6), return the dog.
- (4) Any person who has sought the return of a dog under subsection (2) and is dissatisfied with the decision of the territorial authority may appeal to the District Court against that decision, and the District Court, in hearing the appeal, shall consider the matters specified in subsection (3) and any submission by the territorial authority in support of its decision and may uphold that decision or order the return of the dog.
- (5) Subject to subsection (6), unless a dog is earlier returned pursuant to subsection (3) or subsection (4), the territorial authority shall keep the dog in custody until such time as it is satisfied—
 - (a) that proper provision in relation to the dog has been made on the property specified in the notice issued under section 55; or
 - (b) that the owner has made arrangements for the dog to be kept on a property other than the property from which it was removed.
- (6) Where the territorial authority has, under section 68(1)(b), set fees for the sustenance of impounded dogs, the territorial authority may apply those fees to the sustenance of any dog kept in custody under this section and may require the payment of those fees before any dog is returned under subsection (3) or subsection (5) or, unless the District Court orders otherwise, subsection (4).
- (7) In any case where—
 - (a) the notice under section 55 has not been complied with within 7 days of a conviction under subsection (7) of that section; or
 - (b) the territorial authority requires fees under subsection (6) to be paid before any dog is returned, and those fees have not been paid within 7

days of the receipt by the owner of written notice that the dog will be returned upon payment of those fees,—

the territorial authority may dispose of the dog in the manner authorised by section 69, and subsections (4) to (6) of that section shall apply as if the dog had been disposed of under that section.

Section 70(1): amended, on 28 June 2006, by section 24 of the Dog Control Amendment Act 2006 (2006 No 23).

Section 70(4): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

71 Retention of dog threatening public safety

- (1) This section shall apply where—
 - (a) any constable, dog control officer, or dog ranger has, under section 57 or section 57A, seized any dog or been given custody of any dog or taken custody of any dog; and
 - (b) the owner of the dog is to be prosecuted for an offence under section 57, section 57A, or section 58; and
 - (c) the dog has been claimed by its owner and any fee payable under section 69(2) has been paid; and
 - (d) the territorial authority is satisfied on reasonable grounds that the release of the dog would threaten the safety of any person, stock, poultry, domestic pet, or protected wildlife.
- (2) Except as otherwise provided in this section, every dog to which subsection (1) applies shall be kept in custody and given proper care and exercise until the prosecution referred to in subsection (1)(b) is determined by the court.
- (3) In every case to which subsection (1) applies, the territorial authority shall give written notice in the prescribed form to the person claiming the dog.
- (4) The owner of any dog which is, for the time being, kept in custody under subsection (2) may apply at any time to the territorial authority for the release of the dog.
- (5) Where application is made under subsection (4) and the territorial authority is satisfied that the release of the dog will not threaten the safety of any person, stock, poultry, domestic pet, or protected wildlife, the territorial authority shall, subject to subsection (7), return the dog.
- (6) Any person who has sought the return of a dog under subsection (4) and is dissatisfied with the decision of the territorial authority may appeal to the District Court against that decision, and the District Court, in hearing the appeal, shall consider the matters specified in subsection (5) and any submission by the territorial authority in support of its decision and may uphold that decision or order the return of the dog.
- (7) Where the territorial authority has, under section 68(1)(b), set fees for the sustenance of impounded dogs, the territorial authority may apply those fees to the

sustenance of any dog kept in custody under this section and may require the payment of those fees before any dog is returned under subsection (5) or, unless the District Court orders otherwise, subsection (2) or subsection (6).

- (8) In any case where the territorial authority requires fees under subsection (7) of this section to be paid before any dog is returned, and those fees have not been paid within 7 days of the receipt by the owner of written notice that the dog will be returned upon payment of those fees, the territorial authority may dispose of the dog in the manner authorised by section 69(3), and subsections (4) to (6) of that section shall apply as if the dog had been disposed of under that section.

Section 71(1)(a): amended, on 1 December 2003, by section 43(1) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 71(1)(b): amended, on 1 December 2003, by section 43(2) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 71(6): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

71A Disposal of dog seized under section 15 or 33EC

- (1) A territorial authority may sell, destroy, or otherwise dispose of a dog seized by a dog control officer or dog ranger under section 15(1)(c), in any manner it thinks fit,—
- (a) if—
- (i) the territorial authority is not satisfied that the dog will be given access to proper and sufficient food, water, or shelter if the dog is returned to the land or premises from where it was removed; and
 - (ii) the territorial authority has notified the owner of the dog in writing of its decision under subparagraph (i) and the right to appeal against it under section 71B; and
 - (iii) either—
 - (A) 7 days have elapsed and no appeal has been made; or
 - (B) an appeal has been made under section 71B and the District Court has not upheld it; or
- (b) if—
- (i) the territorial authority has notified the owner of the dog in writing of the matters set out in subsection (3); and
 - (ii) not less than 7 days have elapsed; and
 - (iii) either the dog—
 - (A) has not been claimed by its owner; or
 - (B) has been claimed by its owner but any outstanding fees owed in relation to the dog under this Act have not been paid; or

- (c) if, despite making reasonable efforts, the territorial authority has not identified the owner of the dog and the dog has been in its custody for not less than 7 days.
- (2) A territorial authority may sell, destroy, or otherwise dispose of a dog seized by a dog control officer or dog ranger under section 33EC, in any manner it thinks fit,—
 - (a) if—
 - (i) the territorial authority is not satisfied that the dog owner has demonstrated a willingness to comply with section 33E(1) or 33EB (as the case may be); and
 - (ii) the territorial authority has notified the owner of the dog in writing of its decision under subparagraph (i) and the right to appeal against it under section 71B; and
 - (iii) either—
 - (A) 7 days have elapsed and no appeal has been made; or
 - (B) an appeal has been made under section 71B and the District Court has not upheld it; or
 - (b) if—
 - (i) the territorial authority has notified the owner of the dog in writing of the matters set out in subsection (3); and
 - (ii) not less than 7 days have elapsed; and
 - (iii) either the dog—
 - (A) has not been claimed by its owner; or
 - (B) has been claimed by its owner but any outstanding fees owed in relation to the dog under this Act have not been paid; or
 - (c) if, despite making reasonable efforts, the territorial authority has not identified the owner of the dog and the dog has been in its custody for not less than 7 days.
- (3) A notice under subsection (1)(b)(i) or subsection (2)(b)(i) must state that—
 - (a) the owner's dog is in the custody of the territorial authority; and
 - (b) unless the dog is claimed and any outstanding fees paid no later than 7 days after the owner receives the notice, the territorial authority may sell, destroy, or otherwise dispose of the dog.
- (4) A territorial authority—
 - (a) may apply any proceeds from the disposal of a dog under this section towards any fees owing in relation to the dog under this Act; and
 - (b) must apply the surplus in accordance with section 9.

- (5) If the territorial authority has, under section 68(1)(b), set fees for the sustenance of impounded dogs, it may—
 - (a) apply those fees to the sustenance of a dog kept in custody under this section; and
 - (b) require the fees to be paid before the dog is returned under this section.
- (6) Subsection (5) is subject to any order made by a court under section 71B(4)(b).
- (7) The disposal of a dog under this section does not cancel the liability of the former owner of the dog to pay any fees owing in relation to the dog under this Act.

Section 71A: inserted, on 28 June 2006, by section 25 of the Dog Control Amendment Act 2006 (2006 No 23).

71B District Court to determine appeal

- (1) The owner of a dog to whom section 71A(1)(a)(ii) or (2)(a)(ii) applies may appeal to the District Court against the territorial authority's decision.
- (2) An appeal must be lodged no later than 7 days after the owner receives a notice under section 71A(1)(b)(i) or (2)(b)(i).
- (3) The court must consider the matters specified in section 71A(1)(a)(i) or (2)(a)(i), as the case may be, and any submission by the territorial authority concerned.
- (4) The court may—
 - (a) uphold the territorial authority's decision or order the return of the dog;
 - (b) make an order in respect of any fees owing in relation to the dog under this Act.

Section 71B: inserted, on 28 June 2006, by section 25 of the Dog Control Amendment Act 2006 (2006 No 23).

72 Offence to release dog from custody

- (1) Every person commits an offence who, except in accordance with this Act,—
 - (a) releases or uplifts, or attempts to release or uplift, a dog that is, under this Act, in the custody of—
 - (i) a territorial authority, or constable, or dog control officer, or dog ranger; or
 - (ii) any person who, under section 67(b), has agreed with a territorial authority to provide proper custody, care, and exercise for dogs impounded, seized, or committed to the custody of the territorial authority; or
 - (b) is in possession of a dog that has been unlawfully released or uplifted from the custody of a person specified in paragraph (a).
- (2) Every person who commits an offence against subsection (1) is liable on conviction to a fine not exceeding \$3,000.

Section 72: substituted, on 1 December 2003, by section 44 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 72(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

72A Power of dog control officer or dog ranger to seize released dog

A dog control officer or dog ranger may—

- (a) seize and impound a dog that has been released or uplifted in breach of section 72; and
- (b) retain custody of the dog until the dog control officer, dog ranger, or territorial authority (as the case may be) is satisfied that the requirements under this Act in relation to the initial impounding of the dog have been complied with.

Section 72A: inserted, on 7 July 2004, by section 25 of the Dog Control Amendment Act 2004 (2004 No 61).

Miscellaneous provisions

73 No liability where dog wounded in attempt to destroy

- (1) No person who is entitled under this Act to destroy any dog, and who does so in a reasonable manner or who wounds or maims the dog in the course of attempting to so destroy it, shall be under any criminal or civil liability for the injury done to the dog or its death.
- (2) Nothing in subsection (1) shall apply to any person who wounds or maims a dog in the course of attempting to destroy it and does not take all reasonable steps to terminate its suffering.

Compare: 1982 No 42 s 81

74 Limitation of liability for damage

No constable, dog control officer, dog ranger, territorial authority, or warranted officer shall be liable for any loss or damage caused to the owner of any dog or other property or land that is necessitated by the due administration of this Act.

Compare: 1982 No 42 s 82

75 Disability assist dogs

- (1) Any disability assist dog accompanying and assisting a person with a disability, or accompanying a person genuinely engaged in the dog's training, may enter and remain—
 - (a) in any premises registered under regulations made under section 120 of the Health Act 1956; or
 - (b) in any public place.

- (2) However, the person whom the dog is accompanying must comply with any reasonable conditions imposed by the occupier or person controlling the premises or place in relation to the entry or presence of the dog.
- (3) This section overrides any enactment or bylaw prohibiting or regulating the entry or presence of dogs in relation to the premises and places referred to in subsection (1).

Section 75: substituted, on 28 June 2006, by section 26 of the Dog Control Amendment Act 2006 (2006 No 23).

76 Giving and content of notices

- (1) Any notice or direction under this Act that is to be given to any particular person shall be in writing and may be given—
 - (a) by delivering it personally to the person to whom it is to be given; or
 - (b) by leaving it, or sending it by post in a letter addressed to the person, at his or her usual or last known place of residence; or
 - (c) by sending it by post in a letter addressed to the person at the address given by the person in a current application to register a dog at his or her address as the owner of a dog.
- (2) If a notice or direction to which subsection (1) applies is sent by post in a registered letter, that notice or direction shall be deemed for the purposes of this Act, in the absence of proof to the contrary, to be given at the time at which the letter would have been delivered in the ordinary course of post.
- (3) Every notice or direction to which subsection (1) applies shall—
 - (a) specify—
 - (i) the purpose of the notice; and
 - (ii) the rights of objection (if any) to the matters referred to in the notice; and
 - (iii) the name and address of the dog control officer or other officer of the territorial authority to whom inquiries in respect of the notice may be made; and
 - (iv) if entry on land or premises is intended, the statutory authority for the entry; and
 - (v) in the case of notice that a dog has been impounded, a statement that the dog may be sold, destroyed, or otherwise disposed of unless the dog is claimed and all fees paid within 7 days after the receipt of the notice; and
 - (b) in the absence of proof to the contrary, be sufficiently authenticated if it bears the name of the person giving the notice or direction.

Compare: 1982 No 42 s 84; 1989 No 44 s 86

77 Application of fines

Notwithstanding anything in section 73 of the Public Finance Act 1989, the court before which any person is convicted of an offence against this Act may direct that part (not exceeding one-half) of any fine imposed shall be paid to the person who commenced the proceedings or to any person giving information that led to the conviction.

Compare: 1982 No 42 s 85; 1989 No 44 s 86

Section 77: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

78 Regulations

- (1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:
 - (a) prescribing the forms of applications, notices, and other documents for the purposes of this Act and requiring the use of such forms:
 - (b) specifying, for the purposes of section 35(4) and in relation to the dogs register, purposes for which any person shall be entitled to be informed of the name and address of the owner of any dog:
 - (ba) prescribing conditions, standards, or procedures for the implantation of a microchip transponder in a dog in accordance with this Act:
 - (bb) prescribing the types of microchip transponders that may be used for the purposes of this Act, and the standards to which they must conform:
 - (c) subject to subsection (2), regulating or prohibiting the keeping or possession, either generally or within any specified district or within any specified part of New Zealand, of dogs of any specified type or breed or cross-breed:
 - (d) providing for such other matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.
- (2) Regulations made under paragraph (c) of subsection (1) that relate to a particular breed or cross-breed of dog shall specify, with due particularity, the criteria that are to be used for the purpose of determining whether a dog is of a particular breed or cross-breed.
- (3) Every person commits an offence and is liable on conviction to a fine not exceeding \$3,000 who keeps or has possession of any dog in contravention of any regulations made under paragraph (c) of subsection (1); and the court shall, on convicting any person of that offence, make an order for the destruction of the dog unless satisfied that the circumstances of the offence were exceptional and are unlikely to be repeated.
- (4) Nothing in subsection (3) makes it an offence for any person—
 - (a) to keep a dog, or to have a dog in that person's possession,—

- (i) pursuant to a power of seizure conferred by this Act or any other Act; or
 - (ii) in accordance with an order made under this Act for the destruction of that dog:
- (b) to impound a dog under this Act:
- (c) to confine a dog in any quarantine facility registered under section 39 of the Biosecurity Act 1993:
- (d) to hold a dog in the custody of any society established to prevent cruelty to animals.

Section 78(1)(ba): inserted, on 1 December 2003, by section 45(1) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 78(1)(bb): inserted, on 1 December 2003, by section 45(1) of the Dog Control Amendment Act 2003 (2003 No 119).

Section 78(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 78(3): amended, on 1 December 2003, by section 45(2) of the Dog Control Amendment Act 2003 (2003 No 119).

78A Regulations adding further breed or type to Schedule 4

- (1) The Governor-General may, by Order in Council, in accordance with a recommendation of the Minister, amend Schedule 4 by doing 1 or more of the following to the schedule:
 - (a) adding a further breed or type of dog to the schedule; or
 - (b) moving the name or description of any dog from part of the schedule to another part of the schedule.
- (2) An Order in Council made under subsection (1) may not come into force except in accordance with a commencement order made under section 78B.
- (3) An order made under subsection (1) is a legislative instrument, but not a disallowable instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

Section 78A: inserted, on 1 December 2003, by section 46 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 78A(3): replaced, on 5 August 2013, by section 77(3) of the Legislation Act 2012 (2012 No 119).

78B Procedure for bringing Order in Council made under section 78A into force

- (1) The Governor-General may, by Order in Council, make a commencement order bringing any Order in Council made under section 78A into force.
- (2) The commencement order may be made only after the Order in Council made under section 78A has been approved by resolution of the House of Representatives.

- (3) A resolution of the House of Representatives approving the Order in Council may be made at any time after—
 - (a) the date that is 28 days after the date on which notice that the Order in Council has been made is given in the *Gazette*; or
 - (b) if the *Gazette* notice is given during the period commencing on 24 December in one year and ending on 15 January in the following year, 15 February of that following year.
- (4) An Order in Council made under section 78A lapses if—
 - (a) a motion to approve the Order in Council is defeated; or
 - (b) no motion to approve the Order in Council is agreed to within 1 year of its date of making.

Section 78B: inserted, on 1 December 2003, by section 46 of the Dog Control Amendment Act 2003 (2003 No 119).

78C Matters to which Minister must have regard before recommending Order in Council under section 78A

- (1) Before recommending to the Governor-General that an Order in Council be made under section 78A, the Minister must, in respect of each breed or type of dog referred to in the proposed Order in Council,—
 - (a) consult with, and consider any advice given by such representatives from local government, animal welfare organisations, dog clubs, and veterinary practices as the Minister considers appropriate; and
 - (b) have regard to the matters set out in subsection (2).
- (2) The matters that the Minister must have regard to and seek advice, are—
 - (a) the tendency of the breed or type to exhibit aggressive behaviour; and
 - (b) the tendency of the breed or type to attack; and
 - (c) the risks to public safety if the breed or type is not listed in Schedule 4 (if any); and
 - (d) the companion value of the breed or type (if any); and
 - (e) the classification and experience of the breed or type in any other country; and
 - (f) any other matters that the Minister considers relevant.

Section 78C: inserted, on 1 December 2003, by section 46 of the Dog Control Amendment Act 2003 (2003 No 119).

78D Regulations amending Schedule 5

- (1) The Governor-General may, by Order in Council, amend Schedule 5 by—
 - (a) adding or removing the name of an organisation that is authorised to certify a dog as being a dog that has been trained (or is being trained) to assist a person with a disability; or

- (b) amending an item in that schedule referring to an organisation.
- (2) Regulations under this section may be made only on the recommendation of the Minister after the Minister has consulted the Minister for Disability Issues.

Section 78D: replaced, on 21 March 2019, by section 6 of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).

79 Consequential amendments

The enactments specified in Schedule 2 are hereby amended in the manner indicated in that schedule.

80 Repeals

The enactments specified in Schedule 3 are hereby repealed.

Schedule 1

Infringement offences and fees

s 65(1)

Schedule 1: substituted, on 28 June 2006, by section 28 of the Dog Control Amendment Act 2006 (2006 No 23).

Section	Brief description of offence	Infringement fee (\$)
18	Wilful obstruction of dog control officer or ranger	750
19(2)	Failure or refusal to supply information or wilfully providing false particulars	750
19A(2)	Failure to supply information or wilfully providing false particulars about dog	750
20(5)	Failure to comply with any bylaw authorised by the section	300
23A(2)	Failure to undertake dog owner education programme or dog obedience course (or both)	300
24	Failure to comply with obligations of probationary owner	750
28(5)	Failure to comply with effects of disqualification	750
32(2)	Failure to comply with effects of classification of dog as dangerous dog	300
32(4)	Fraudulent sale or transfer of dangerous dog	500
33EC(1)	Failure to comply with effects of classification of dog as menacing dog	300
33F(3)	Failure to advise person of muzzle and leashing requirements	100
36A(6)	Failure to implant microchip transponder in dog	300
41	False statement relating to dog registration	750
41A	Falsely notifying death of dog	750
42	Failure to register dog	300
46(4)	Fraudulent procurement or attempt to procure replacement dog registration label or disc	500
48(3)	Failure to advise change of dog ownership	100
49(4)	Failure to advise change of address	100
51(1)	Removal, swapping, or counterfeiting of registration label or disc	500
52A	Failure to keep dog controlled or confined	200
53(1)	Failure to keep dog under control	200
54(2)	Failure to provide proper care and attention, to supply proper and sufficient food, water, and shelter, and to provide adequate exercise	300

Section	Brief description of offence	Infringement fee (\$)
54A	Failure to carry leash in public	100
55(7)	Failure to comply with barking dog abatement notice	200
62(4)	Allowing dog known to be dangerous to be at large unmuzzled or unleashed	300
62(5)	Failure to advise of muzzle and leashing requirements	100
72(2)	Releasing dog from custody	750

Schedule 2

Enactments amended

s 79

Animals Protection Act 1960 (1960 No 30) (RS Vol 6, p 1)*Amendment(s) incorporated in the Act(s).***Local Government Act 1974 (1974 No 66) (RS Vol 25, p 1)***Amendment(s) incorporated in the Act(s).***Ombudsmen Act 1975 (1975 No 9) (RS Vol 21, p 657)***Amendment(s) incorporated in the Act(s).***Privacy Act 1993 (1993 No 28)***Amendment(s) incorporated in the Act(s).***Summary Proceedings Act 1957 (1957 No 87) (RS Vol 9, p 583)***Amendment(s) incorporated in the Act(s).*

Schedule 3

Enactments repealed

s 80

Biosecurity Act 1993 (1993 No 95)

Amendment(s) incorporated in the Act(s).

Dog Control and Hydatids Act 1982 (1982 No 42)

Dog Control and Hydatids Amendment Act 1983 (1983 No 68)

Dog Control and Hydatids Amendment Act 1985 (1985 No 172)

Dog Control and Hydatids Amendment Act 1988 (1988 No 184)

Dog Control and Hydatids Amendment Act 1992 (1992 No 9)

Local Government Amendment Act 1992 (1992 No 42)

Amendment(s) incorporated in the Act(s).

Local Government Reform (Transitional Provisions) Act 1990 (1990 No 27)

Amendment(s) incorporated in the Act(s).

Public Bodies Contracts Act 1959 (1959 No 98) (RS Vol 27, p 795)

Amendment(s) incorporated in the Act(s).

Public Finance Act 1989 (1989 No 44) (RS Vol 33, p 419)

Amendment(s) incorporated in the Act(s).

Summary Proceedings Amendment Act 1993 (1993 No 47)

Amendment(s) incorporated in the Act(s).

Weights and Measures Amendment Act 1991 (1991 No 9)

Amendment(s) incorporated in the Act(s).

Schedule 4

Breed and type of dog subject to ban on importation and muzzling

ss 30A, 33A, 33C, 78A–78C

Schedule 4: added, on 1 December 2003, by section 50 of the Dog Control Amendment Act 2003 (2003 No 119).

Part 1

Breed of dog

Brazilian Fila

Dogo Argentino

Japanese Tosa

Perro de Presa Canario

Part 2

Type of dog

American Pit Bull Terrier

Schedule 4 Part 1: amended, on 18 August 2011, by clause 3 of the Dog Control (Perro de Presa Canario) Order 2010 (SR 2010/369).

Schedule 5

Organisations authorised to certify dogs as disability assist dogs

ss 2, 78D

Schedule 5: inserted, on 21 March 2019, by section 7 of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).

Assistance Dogs New Zealand

Hearing Dogs for Deaf People New Zealand

K9 Medical Detection New Zealand

Mobility Assistance Dogs Trust

New Zealand Epilepsy Assist Dogs Trust

Perfect Partners Assistance Dogs Trust

Royal New Zealand Foundation of the Blind Incorporated

Schedule 5 **Assistance Dogs New Zealand**: inserted, on 28 June 2019, by clause 3(2) of the Dog Control (Schedule 5) Order 2019 (LI 2019/145).

Schedule 5 **K9 Medical Detection New Zealand**: inserted, on 28 June 2019, by clause 3(2) of the Dog Control (Schedule 5) Order 2019 (LI 2019/145).

Schedule 5 **Perfect Partners Assistance Dogs Trust**: inserted, on 28 June 2019, by clause 3(2) of the Dog Control (Schedule 5) Order 2019 (LI 2019/145).

Schedule 5 **Top Dog Companion Trust**: repealed, on 28 June 2019, by clause 3(1) of the Dog Control (Schedule 5) Order 2019 (LI 2019/145).

Dog Control Amendment Act 2003

Public Act	2003 No 119
Date of assent	17 November 2003
Commencement	see section 2

1 Title

- (1) This Act is the Dog Control Amendment Act 2003.
- (2) In this Act, the Dog Control Act 1996 is called “the principal Act”.

2 Commencement

- (1) Section 32 comes into force on 1 June 2004.
- (2) Section 24 comes into force on 1 July 2006.
- (3) Section 23 comes into force on a date to be appointed by the Governor-General by Order in Council, and 1 or more Orders in Council may be made appointing different dates for different provisions and for different purposes.
- (4) The rest of this Act comes into force on 1 December 2003.

Section 2(2): amended, on 7 July 2004, by section 27(2) of the Dog Control Amendment Act 2004 (2004 No 61).

Part 5

Other related amendments

47 Transitional provision

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

Dog Control Amendment Act 2006

Public Act	2006 No 23
Date of assent	27 June 2006
Commencement	see section 2

1 Title

This Act is the Dog Control Amendment Act 2006.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

5 Duty of territorial authorities to adopt policy on dogs

- (1) *Amendment(s) incorporated in the Act(s).*
- (2) Section 10(3)(ea) and (eb) (as inserted by subsection (1))—
 - (a) do not apply to a dog policy adopted before the commencement of this Act; but
 - (b) do apply to a dog policy adopted before the commencement of this Act that is amended under section 10(8) of the principal Act or reviewed under section 10AA of the principal Act (as inserted by section 6 of this Act).
- (3) *Amendment(s) incorporated in the Act(s).*

Reprints notes

1 *General*

This is a reprint of the Dog Control Act 1996 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Dog Control (Category 1 Offences) Amendment Act 2019 (2019 No 75)

Dog Control (Schedule 5) Order 2019 (LI 2019/145)

Local Government Regulatory Systems Amendment Act 2019 (2019 No 6): Part 1

District Court Act 2016 (2016 No 49): section 261

Te Urewera Act 2014 (2014 No 51): section 138

Legislation Act 2012 (2012 No 119): section 77(3)

Dog Control Amendment Act 2012 (2012 No 100)

Biosecurity Law Reform Act 2012 (2012 No 73): section 93

Search and Surveillance Act 2012 (2012 No 24): sections 232, 233

Criminal Procedure Act 2011 (2011 No 81): section 413

Dog Control (Perro de Presa Canario) Order 2010 (SR 2010/369)

Private Security Personnel and Private Investigators Act 2010 (2010 No 115): section 121(1)

Dog Control Amendment Act 2010 (2010 No 62)

Policing Act 2008 (2008 No 72): section 116(a)(ii)

Dog Control Amendment Act 2006 (2006 No 23)

Dog Control Amendment Act 2004 (2004 No 61)

Dog Control Amendment Act 2003 (2003 No 119)

Local Government Act 2002 (2002 No 84): section 262

Animal Welfare Act 1999 (1999 No 142): sections 194, 198

Ministries of Agriculture and Forestry (Restructuring) Act 1997 (1997 No 100): section 5(1)(c)

Customs and Excise Act 1996 (1996 No 27): section 294(1)

Reprinted as at
14 December 2019

Dog Control Act 1996

Wellington, New Zealand:

Published under the authority of the New Zealand Government—2019

DOG CONTROL POLICY 2016

Category	Animal Services, Regulatory Services
Type	Policy
Approved by	Council
Date Policy Took Effect	1 July 2016
Last Approved Revision	1 January 2004
Sponsor	General Manager Services and Development
Responsible Officer	Manager, Environmental Health and Animal Services
Review Date	

1 INTRODUCTION

- 1.1 The Dunedin City Council recognises the positive impact that dogs can bring to health and wellbeing in their role as human companions. Responsible dog ownership ensures that the benefits of companionship are highlighted. Owning a dog also carries the responsibility of being considerate of others who share our public places who aren't dog owners and ensuring your dog is not a nuisance or menace to your neighbours and the wider community.
- 1.2 The Dunedin City Council is responsible for dog control across the district. This policy serves to meet the Council's obligations under the Dog Control Act 1996, and provides the framework on which the Dog Control Bylaw and associated fees regarding dog registration and offences are based.

2 OBJECTIVES

- 2.1 The Council's principal objectives are to:
 - (a) have all dogs registered and micro-chipped;
 - (b) minimise danger, distress and nuisance caused by dogs;
 - (c) minimise the risk of dog attacks;
 - (d) minimise the fear of dogs attacking or intimidating people;
 - (e) avoid danger from uncontrolled dogs entering children's play areas;
 - (f) ensure the protection of public health and safety in areas used by the general public;
 - (g) provide for exercise and recreational needs of dogs;
 - (h) provide for service users to meet the costs of services;
 - (i) ensure the protection of native wildlife in reserves and beaches (e.g. fur seals, sea lions, penguins and wading birds) by minimising the risk of dog attacks.

3 RESPONSIBLE DOG OWNERSHIP

- 3.1 Proactively promote the responsible ownership of dogs, including care and control around people, protected wildlife, other animals, property and natural habitats.

3.2 What Does It Mean To Be A Responsible Dog Owner?

- ✓ *Choose the right dogs and treat them well.*
- ✓ *Ensure your dog has adequate exercise.*
- ✓ *Consider the health benefits for your dog of neutering at an early age.*
- ✓ *Register and microchip your dog.*
- ✓ *Teach your dog basic obedience (keep your dog under control at all times).*
- ✓ *Know the best locations where you are allowed to take (exercise) your dog.*
- ✓ *Be particularly vigilant near children and closely supervise interaction at all times.*
- ✓ *Know when your dog will ignore commands: put dog on-leash, shorten leash, or avoid the area altogether (even if in an off-leash or designated dog exercise area).*
- ✓ *Respect other people's personal space. Public places are for everyone's enjoyment and not everyone is fond of dogs.*
- ✓ *Ensure your dog cannot leave your property by itself.*
- ✓ *Know when your dog must be on a leash, and always carry a leash.*
- ✓ *Always carry and display a bag or other receptacle suitable for the removal of faeces and pick-up after your dog.*

4 LEGISLATION

4.1 The legislation that relates to the control of dogs and specifies the obligations imposed on Dunedin City Council and dog owners are:

4.2 Dog Control Act 1996

4.2.1 The purpose of the Dog Control Act ¹ is to make better provision for the care and control of dogs:

- (a) by requiring the registration of dogs; and
- (b) by making special provision in relation to dangerous dogs and menacing dogs; and
- (c) by imposing on the owners of dogs, obligations designed to ensure that dogs do not cause a nuisance to any person and do not injure, endanger, or cause distress to any person; and
- (d) by imposing on owners of dogs obligations designed to ensure that dogs do not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife; and
- (e) to make provision in relation to damage caused by dogs.

4.3 Dog Control Policy

4.3.1 All Territorial Authorities must adopt a Dog Policy under the Dog Control Act², which must have regard to the following:

- (a) the need to minimise danger, distress, and nuisance to the community generally; and

¹ Section 4, Dog Control Act 1996

² Section 10, Dog Control Act 1996

- (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, to the extent that is practicable, the public (including families) to use streets and public amenities without fear of attack or intimidation by dogs; and
- (d) the exercise and recreational needs of dogs and their owners.

4.4 Dog Control Bylaw

4.4.1 Section 20 of the Dog Control Act permits any territorial authority to make bylaws regarding the control of dogs in accordance with the process in the Local Government Act 2002. The Dog Control Bylaw includes the following provisions;

- (a) prohibiting dogs, whether under control or not, from specified public places;
- (b) requiring dogs, other than working dogs, to be controlled on a leash in specified public places, or in public places in specified areas or parts of the district;
- (c) regulating and controlling dogs in any other public place;
- (d) designating specified areas as dog exercise areas;
- (e) prescribing minimum standards for the accommodation of dogs;
- (f) limiting the number of dogs that may be kept on any land or premises;
- (g) requiring the owner of any dog that defecates in a public place or on land or premises other than that occupied by the owner to immediately remove the faeces;
- (h) requiring any female dog to be confined but adequately exercised while in season;
- (i) providing for the impounding of dogs, whether or not they are wearing a collar having the proper label or disc attached, that are found at large in breach of any bylaw made by the territorial authority under this or any other Act;
- (j) requiring the owner of any dog (being a dog that, on a number of occasions, has not been kept under control) to cause that dog to be neutered (whether or not the owner of the dog has been convicted of an offence against section 53).

5 FEES AND REGISTRATION

5.1 The Council's policy is to apply a graduated fee scale to target fees to high demand users and to deter non-compliance. For example, fees for repeat impounding of a dog increase with each subsequent impounding.

5.2 Registration Fees

5.2.1 All dogs are required to be registered in accordance with the Dog Control Act 1996 which provides:

- Dog registration fees are set by Council resolution;
- Dog registration fees, fines and impound fees are used to fund the dog control service;
- Registration fees paid after 31 July will have a late payment penalty applied. The penalty is an additional 50% of the registration fee; and
- Infringement notices for not registering a dog may also be issued.

5.3 While there are specific registration fees set for differing classifications of dogs, registration fee reductions are prescribed to recognise and reward dog ownership behaviour that complies with the legislation i.e. self-compliance. Compliant dog owners will be recognised by the application of fee reductions. Rewarding self-compliance with the legislative requirements transfers the burden of service costs to non-complying dog owners. Examples of occasions where registration fee reductions may apply are as follows:

- Dogs that are kept within an effectively fenced area on the property they are registered at, to prevent escape from the property (Selected Owners);
- Dog owners that have not received infringements, valid nuisance complaints, or had a dog impounded in the two years leading up to the current registration period;
- Neutered dogs.

5.4 The Council will provide a pro-rata refund for registration fees paid where a registered dog dies in the period of registration³.

5.6 Other Fees

5.6.1 These fees are set by Council resolution and include but are not limited to:

- Impounding,⁴
- Sustenance and board (during period of impounding)⁵
- Micro-chipping⁶
- Multiple dog permit⁷

6 MULTIPLE DOG PERMIT

6.1 No more than one dog of register-able age, i.e. three months old and over (whether or not such dogs are registered), may be kept on any premises unless the owner or occupier of the property has a permit from the Council.

6.2 No permit will be required to keep one or more dogs (working dogs) within the Rural zone as defined in the Dunedin City Council District Plan.

6.3 No permit may be granted to the owner or occupier of any property for more than one dog if the owner or occupier cannot demonstrate compliance with the Dog Control Bylaw, or if the criteria below are not met to the satisfaction of the Council:

- 1 If the property in which the dog owner/owners resides is leased/rented, the written consent of the property owner is required to keep more than two dogs on that property before any consideration for a permit will be given. A copy of such consent must be forwarded to the Council with the permit application.
- 2 The property must be adequately fenced to confine the dogs on the section, or in the absence of full boundary fencing, a portion of the section must be fenced sufficiently to confine the dogs yet allow them to have an adequate exercise area for their size.

³ Section 39, Dog Control Act 1996

⁴ Section 68, Dog Control Act 1996

⁵ Section 68, Dog Control Act 1996

⁶ Section 69A, Dog Control Act 1996

⁷ Section 150, Local Government Act 2002

- 3 Where necessary and having regard to the numbers and size of the dogs kept, the area of confinement must be paved, graded and drained to any standard set by the Council and in any event, must be on well drained ground.
- 4 Adequate housing of sufficient size suitable to meet the needs of the dogs, with access to clean water, must be provided on well drained ground.
- 5 The Council may consider the owner's dwelling to be sufficient to meet this condition, depending on the particular circumstances.
- 6 All dogs must be currently registered and must be kept at all times in accordance with the provisions of the Dog Control Act.
- 7 Such screening of the area of confinement as is necessary to protect the visual amenities of the neighbourhood must be provided.
- 8 All dog owners must abide, at all times, with the Dog Control Bylaw and its subsequent amendments. Failure to meet this requirement may result in a notice to remove one or more dogs permanently from the property.
- 9 The property must be made available for inspection by an authorised council officer at any reasonable time.
- 10 The number of dogs that may be kept on a property must not exceed that number for which the permit may be issued.
- 11 Any alterations to the property must meet the Council's criteria prior to the Animal Control Officer issuing a permit.
- 12 Any permit must be obtained prior to an additional dog being obtained.
- 13 The Council may:
 - (a) Refuse the granting of a permit for the keeping of two or more dogs, or
 - (b) Revoke a permit issued, if the conditions set out above are at any time breached and not rectified following written notice by the Council and within a period of time allowed by the Council and to give notice in writing that all dogs except one be removed from the property within such time as Council consider necessary in the particular case.
- 14 No permit will be granted relating to a property used for breeding, boarding or fostering unless a resource consent has been obtained where appropriate.
- 15 Council must be notified of any change of address, so that a permit may be obtained for the new address. Permits may not be transferred to a new property.
- 16 If your dog numbers reduce to one or no dogs for a period of two or more years your permit is deemed to have lapsed and you will need to reapply if you once again have two or more dogs on your property.
- 17 A fee as prescribed in the Animal Services annual fees and charges in the Council's Annual Plan must be paid to the Council by 31 July.

7 EDUCATION AND DOG OBEDIENCE

- 7.1 The Council encourages dog owners to attend dog obedience courses, particularly puppy training classes, to assist in the training and socialisation of dogs.

- 7.2 Where a dog has been classified as Menacing or Dangerous, the Council may require a dog owner to attend specified courses.

8 MENACING AND DANGEROUS DOGS

- 8.1 Dogs can be classified as Menacing in accordance with sections 33A and 33C of the Dog Control Act or Dangerous in accordance with section 31 of the Act.

9 PROBATIONARY AND DISQUALIFIED OWNERS

- 9.1 Dog owners can be classified as a Probationary owner in accordance with sections 21 of the Dog Control Act or can be disqualified in accordance with section 25. The maximum period of probation or disqualification may apply, unless the owner can demonstrate that the maximum period is unnecessary for the purpose of achieving the objectives of the Council's Dog Control Policy.

10 NEUTERING OF DOGS

- 10.1 Any dog classified as Dangerous by the Council or by any other Territorial Authority in accordance with section 32 of the Dog Control Act must be neutered. A dog categorised as Menacing under section 33E of the Dog Control Act may be required to be neutered.
- 10.2 In all cases the classification documents served on the owner of a Menacing or Dangerous dog will advise the owner of the requirement to neuter the classified dog within one month.
- 10.3 The owner of a dog which is required to be neutered by the Council; must produce a veterinary certificate showing either that the dog has been neutered or that the dog is unfit to be neutered before a certain date.
- 10.4 The Council may require the owner of any dog (being a dog that, on a number of occasions, has not been kept under control) to have the dog neutered or spayed whether or not the owner of the dog has been convicted of an offence against section 53 of the Act.

11 DOG FOULING

- 11.1 Dog fouling is not tolerated in any form within the Dunedin City Council boundary. Dog owners must ensure that they carry and display a bag or other receptacle suitable for the removal of faeces and remove it immediately.

12 INFRINGEMENTS

- 12.1 The following infringement offences are set by the Dog Control Act. The Council has no discretion to alter these fees.

Section	Offence	Infringement
18	Wilful obstruction of a Dog Control Officer	\$750.00
19(2)	Failure/refusal to supply information/wilfully stating false particulars	\$750.00

Section	Offence	Infringement
19A(2)	Failure to supply information or wilfully providing false particulars about dog	\$750.00
20(5)	Failure to comply with any bylaw authorised by the section	\$300.00
23A(2)	Failure to undertake dog owner education programme or dog obedience course (or both)	\$300.00
24	Failure to comply with obligations of probationary owner	\$750.00
28(5)	Failure to comply with effects of disqualification	\$750.00
32(2)	Failure to comply with effects of classification of dog as dangerous dog	\$300.00
32(4)	Fraudulent sale/transfer of a dangerous dog	\$500.00
33EC(1)	Failure to comply with effects of classification of dog as menacing dog	\$300.00
33F(3)	Failure to advise person of muzzle and leashing requirements	\$100.00
36A(6)	Failure to implant microchip transponder in dog	\$300.00
41	False statement relating to registration	\$750.00
41A	Falsely notifying death of dog	\$750.00
42	Failure to register dog	\$300.00
46(4)	Fraudulent attempt to procure a replacement registration label/disk	\$500.00
48(3)	Failure to advise change of dog ownership	\$100.00
49(4)	Failure to advise change of address	\$100.00
51(1)	Removal/swapping of labels/disks	\$500.00
52A	Failure to keep dog controlled or confined	\$200.00
53(1)	Failure to keep dog under control	\$200.00
54(2)	Failure to provide proper care and attention, to supply proper and sufficient food, water, and shelter, and to provide adequate exercise	\$300.00
54A	Failure to carry leash in public	\$100.00
55(7)	Failure to comply with barking dog abatement notice	\$200.00
62(4)	Allowing a dog known to be dangerous to be at large unmuzzled	\$300.00
62(5)	Failure to advise of muzzle and leashing requirements	\$100.00
72(2)	Releasing dog from custody	\$750.00

12.2 Any of the above offences may be proceeded with by way of an infringement notice or by initiating a prosecution in accordance with the Criminal Procedure Act 2014.

13 DOG EXERCISE AREAS

- 13.1 The Council will review the need for specified dog exercise areas and suitable locations as necessary.
- 13.2 Dogs weighing more than eight kilograms may not be allowed inside the boundaries of any designated small dog park.

14 DOGS ON LEASH

- 14.1 Every owner of a dog shall keep that dog on a leash in public areas at all times except in a dog exercise area (specified either by signage or listed in a schedule Dog Control Bylaw) or by exceptions specified in the bylaw. Dogs must be leashed near any playground.

15 DOG RESTRICTIONS

- 15.1 Areas where dogs are restricted or prohibited within the Dunedin City Council district (except when in a vehicle) are specified in Schedule D of the Dog Control Bylaw.
- 15.2 The Department of Conservation ("**DOC**") manages dog restrictions by the use of on-site access signage and brochures. Dog owners are expected to adhere to restrictions displayed on signage and in brochures as to where dogs are permitted or prohibited.
- 15.3 Further information on dog restrictions on DOC-managed land can be obtained from the Dunedin DOC Office and i-Site Visitors Centre.
- 15.4 Dog owners must place their dogs on a leash within 20 metres of protected wildlife.
- 15.5 In addition to the specific restrictions set out above, dogs must be kept under control at all times as required by the Dog Control Act. This is expected to be sufficient to ensure that dogs do not injure, endanger, or cause distress to any protected wildlife.

16 WELFARE OF DOGS DURING AN EMERGENCY

- 16.1 All dog owners are expected to plan and prepare for the care and welfare of their dog(s) in anticipation of an emergency. While a state of emergency is in place dog owners must:
 - (a) Keep their dogs under effective control at all times;
 - (b) Ensure their dog does not injure, endanger or cause distress to any person.