

Dog Control Policy

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1. Overview

- 1.1 Under the Dog Control Act 1996, (the Act), Hutt City Council (Council) is responsible for dog control within Lower Hutt.
- 1.2 Council has many powers under the Act. The purpose of this policy is to let the Lower Hutt community know how Council will carry out its functions and powers under the Act.
- 1.3 The aim of this policy is to:
 - a. encourage responsible dog ownership and support the needs of dog owners; and
 - b. support the right for people to move freely around the city without experiencing danger, distress or nuisance from dogs.

2. Dog Control Act 1996

- 2.1 Section 10 of the Act requires each territorial authority to adopt a dog control policy for its district. In accordance with section 10(3) of the Act; every policy adopted under section 10:
 - a. shall specify the nature and application of any bylaws made or to be made under section 20 of the Act; and
 - b. shall identify any public places where dogs are to be prohibited either generally or at specified times, pursuant to a bylaw under section 20(1)(a) of the Act; and
 - c. shall identify:
 - i. any particular public places; and
 - ii. any other 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) of the Act 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 sections 10(3)(b) and 10(3)(c) of the Act; and
 - e. shall identify any places within areas or parts of the district specified in section 10(3)(c)(ii) of the Act that are to be

designated by a bylaw under section 20(1)(d) of the Act as dog exercise areas in which dogs may be exercised at large; and

- f. must state whether dogs classified by the territorial authority as menacing dogs under section 33A or 33C of the Act are required to be neutered under section 33E(1)(b) of the Act and if so whether the requirement applies to all such dogs and if not, the matters taken into account by it in requiring any particular dog to be neutered; and
- g. must state whether dogs classified by any other territorial authority as menacing dogs under section 33A or 33C of the Act are required to be neutered under section 33EB(2) of the Act if the dog is registered with the territorial authority and if so, whether the requirement applies to all such dogs and if not the matters taken into account by it in requiring any particular dog to be neutered; and
- h. shall include such other details as the territorial authority thinks fit including, but not limited 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.

2.2 In accordance with section 10(4) of the Act, when adopting a policy, a 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.

- 2.3 Every statement or publication of a policy adopted under section 10(5) of the Act shall identify any land within the district that is 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 in section 7 of the Te Urewera Act 2014; and
 - d. may contain such other information and advice in relation to dogs as the territorial authority thinks fit.
- 2.4 The territorial authority must give effect to a policy under section 10 of the Act:
- a. by making the necessary bylaws under section 20 of the Act, 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.

3. Dog Control

- 3.1 When a dog is on land or premises occupied by its owner, the owner must at all times ensure that either the dog is under the direct control of a person, or the dog is confined in such a manner that it cannot freely leave the land or premises.
- 3.2 Owners must ensure that dogs are kept under control at all times. Dogs not under the control of their owners or a person in charge are prohibited from all public places at all times.
- 3.3 Dogs must be kept on a leash or lead when in any public area, unless it's a designated dog exercise area or specified prohibited public place.
- 3.4 Owners or anyone responsible for a dog must carry a waste bag for picking up their dog's faeces. Any faeces must be immediately removed and disposed of appropriately.
- 3.5 Council will put signposts at public places where dogs are prohibited or permitted during specified times.
- 3.6 Council will designate specific dog exercise areas and dog prohibition areas in order to:
 - a. meet the reasonable needs of dog owners;
 - b. promote animal welfare;
 - c. protect wildlife;
 - d. inform the public about areas where dogs may and may not be exercised;
 - e. minimise danger, distress and nuisance to the community generally; and
 - f. safeguard the welfare of children.

4. Dog Prohibition Areas

- 4.1 In order to minimise danger, distress and nuisance to the community generally and to safeguard the welfare of children and wildlife, areas within Lower Hutt will be designated as Dog Prohibition Areas.
- 4.2 No dog shall be permitted in a Dog Prohibition Area, and no owner may cause or permit their dog to enter or remain in a Dog Prohibition Area.
- 4.3 Dog Prohibition Areas set out in the Hutt City Council Dog Control Bylaw 2025 (the Bylaw) are:
- a. any premises used as a public hub or library;
 - b. any children's playground within the district;
 - c. any swimming pool owned or controlled by Council;
 - d. any land used as a kindergarten or playcentre;
 - e. any marked sports surface;
 - f. any unmarked sports surface when in use for sporting purposes;
 - g. any area that forms part of a park or reserve where a special event is organised and in respect of which Council has publicly notified the time, date and duration of the closure; and
 - h. any other area within a public place that is specified by ordinary Council resolution to be an area that dogs are prohibited to enter upon or remain in.
- 4.4 Dog Prohibition Areas can also be established by ordinary Council resolution under the Bylaw.
- 4.5 Dog Prohibition Areas are also set out at <https://www.huttcity.govt.nz/services/dogs> and will be clearly identified to the public.
- 4.6 The matters that Council must have regard to under the Bylaw when making a decision to establish or disestablish a Dog Prohibition Area are as follows:
- a. the need to minimise danger, distress, and nuisance to the community generally;

- 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;
- 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;
- d. the exercise and recreational needs of dogs and their owners;
- e. impact on wildlife areas;
- f. whether it is necessary to consult with the public to gauge community views on a proposed dog exercise area;
- g. any other information considered by Council to be relevant.

5. Dog Exercise Areas

- 5.1 To meet the needs of dog owners, promote animal welfare, and clearly indicate where dogs can be exercised, Council will designate specific Dog Exercise Areas.
- 5.2 Dog Exercise Areas are set out in the Bylaw and can also be established by ordinary Council resolution under the Bylaw. The maps for these areas are set out on Council's website at huttcity.govt.nz/dogs. These areas include most Council parks and reserves, Hutt River banks and drainage reserves in Wainuiomata.
- 5.3 The matters that Council must have regard to when making a decision to establish or disestablish a Dog Exercise Area are as follows:
 - a. the need to minimise danger, distress, and nuisance to the community generally;
 - 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;
 - 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;
 - d. the exercise and recreational needs of dogs and their owners;

- e. impact on all wildlife;
- f. whether it is necessary to consult with the public to gauge community views on a proposed dog exercise area; and
- g. any other information considered by Council to be relevant.

6. Designation of Exercise and Prohibition Areas and Maps

- 6.1 Dog Exercise Areas and Dog Prohibition Areas will be clearly signposted.
- 6.2 Owners or anyone responsible for a dog being exercised in a Dog Exercise Area must carry a dog leash.
- 6.3 Owners of dogs that enter or remain in a Dog Prohibition Area will be liable for prosecution for a breach of the Bylaw.

7. Department of Conservation Land

- 7.1 Under the Conservation Act 1987, the Minister of Conservation can, by notice in the Gazette, declare any part or parts of land managed and administered by the Minister or Department under specific Acts to be either a controlled dog area or an open dog area.
- 7.2 To identify such areas within Lower Hutt, please refer to the Department of Conservation website: www.doc.govt.nz.

8. Owner Responsibilities

- 8.1 Council recognises the importance of owner responsibility and education and wishes to have in place policies and measures that support Responsible Dog Owner status and specify the preferred way that owners should carry out their responsibilities as dog owners.
- 8.2 The measures that Council will have in place to support and promote responsible dog owner behaviour are as follows:

- a. pamphlets will be available and, when appropriate, distributed to dog owners explaining their obligations and rights, and the provisions of the Bylaw;
- b. Council's Animal Control Officers will be available to give dog owners advice on all matters relating to the keeping and control of dogs;
- c. a fee rebate is available to dog owners who qualify as Responsible Dog Owners under Council's criteria set out in clause 8.4; and
- d. Council will actively enforce the Bylaw and the Act.

Owner Obligations, Education and Dog Obedience

- 8.3 In addition to the requirements of any other Act of Parliament or of any regulations or bylaws regulating the control, keeping, and treatment of dogs, the Act requires every owner of a dog to:
- a. ensure that the dog is registered in accordance with the Act, and that all relevant territorial authorities are promptly notified of any change of address or ownership of the dog;
 - b. ensure that the dog is kept under control at all times;
 - c. ensure that the dog receives proper care and attention and is supplied with proper and sufficient food, water and shelter;
 - d. ensure that the dog receives adequate exercise;
 - e. 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. take all reasonable steps to ensure that the dog does not injure, endanger, intimidate, or otherwise cause distress to any person;
 - g. 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. take all reasonable steps to ensure that the dog does not damage or endanger any property belonging to any other person; and
- i. comply with the requirements of the Act and of all regulations and bylaws made under the Act.

Responsible Dog Owner Status

- 8.4 Council will encourage responsible dog ownership by:
 - a. formally recognising Responsible Dog Owner status;
 - b. dog ownership education programmes; and
 - c. dog obedience courses.
- 8.5 Responsible Dog Owner status will qualify owners for significantly lower registration fees under the Act.
- 8.6 To obtain Responsible Dog Owner Status, in addition to the obligations imposed on every dog owner by the Act, owners are required by Council to:
 - a. register their dogs by 31 July in any registration year (between 1 July and 31 July);
 - b. ensure their property is fully fenced or their dogs are penned or controlled to allow safe access to the front door for people lawfully going about their business, while preventing their dogs from escaping;
 - c. ensure their dogs have a warm, dry, draft-free kennel, proper exercise, sufficient food daily, and access to clean water at all times;
 - d. clean up after their dog if it defecates in any public place or property owned by any other person;
 - e. ensure their dog is leashed in public places when not being exercised under control in a designated Dog Exercise Area;
 - f. notify Council of any changes of address, transfer of ownership or death of their dogs;
 - g. have registered their dogs with Council for a period of 12 months prior to applying for Responsible Dog Owner status.

- 8.7 Owners who currently have Responsible Dog Owner status and obtain an additional dog can apply as soon as that dog is registered.
- 8.8 An Animal Control Officer may complete an inspection to verify that 8.4 (b) and 8.4 (c) have been complied with.
- 8.9 It is desirable but not mandatory for an owner to provide a certificate from an approved trainer showing that the dog and owner have passed a Grade 2 Dog Obedience Course. The Animal Control Officer may require a demonstration that an owner has full control over their dogs both on and off leash and in other situations.

Licence for Three or More Dogs

- 8.10 To minimise nuisance and ensure proper care of dogs, a licence is required for owners/occupiers in the city who wish to keep three or more dogs aged three months or older on their premises, regardless of ownership status. This does not apply to rural working dogs.

Owners to Keep Dogs Under Effective Confinement and Control

- 8.11 To enable the public, to the extent that is practicable, to use streets and public amenities without fear of attack or intimidation by dogs and to minimise nuisance to the community generally caused by dogs, dog owners must prevent their dogs from wandering by keeping them under proper control or under effective confinement, especially at night. This includes, to the extent possible:
- a. keeping every bitch, while in season, confined or under control while being exercised;
 - b. taking all practicable steps to stop their dog barking, howling or being aggressive; and
 - c. cleaning up after their dog if it defecates in any public place, or on land or premises other than the owner's. Faeces must be disposed of in an appropriate manner (i.e. in a bin).

Access to Front Door

- 8.12 Safe access to a dog owner's front door (or another safe access point) is to be provided at all times, to people lawfully going about their business. Where the gate is locked to prevent access, this requirement does not apply.
- 8.13 The intention is to ensure that people entering a property are not attacked by aggressive or savage dogs. Owners must ensure that such dogs are penned, chained or contained.

Disability Assist and Working Dogs

- 8.14 The Act contains some specific exceptions for certain types of dogs. Section 75 of the Act provides exclusion for a Disability Assist Dog accompanying or assisting a person with a disability, or any person engaged in training such a dog. These dogs may enter and remain:
 - a. in any premises registered under regulations made pursuant to Section 120 of the Health Act 1956; or
 - b. in any public place, subject to compliance with any reasonable condition imposed by the occupier or person having control of the premises or public place, as the case may be.
- 8.15 Under section 2 of the Act, Working Dogs are defined as:
 - a. Any Disability Assist Dog; or
 - b. any dog that is:
 - 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
- v. 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
- vi. kept by the Aviation Security Service 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
- vii. 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
- viii. 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
- ix. 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.

- 8.16 The owner of a dog or dogs wanting to register a Working Dog or Dogs shall make an online application to Council in the form set out at Schedule One (of this policy) and shall provide with their application any information Council requires.

9. Administration and Enforcement

Registration Fees

- 9.1 Fees under the Act are set by Council resolution and notified in the Long Term Plan, Annual Plan, and on the Council's website: huttcity.govt.nz.
- 9.2 Council will fix reasonable dog registration fees to allow effective management and enforcement of the Act and the Bylaw. All revenue received and retained under the Act will be used only for purposes authorised under the Act. The fee structure will recognise dog owners who are licensed as responsible dog owners, or who have had their dogs neutered or spayed and microchipped.
- 9.3 Incentives will be available to encourage owners to register their dogs before July 31 each year.

Enforcement

- 9.4 The Act and Bylaw will generally be enforced by Council's Animal Control Officers. There are a range of possible enforcement tools including:
- a. seizure of dogs;
 - b. issue of infringement notices and fines;
 - c. prosecution with fines being possible;
 - d. declaring a dog menacing or dangerous; and
 - e. prohibiting people from owning dogs.
- 9.5 Council aims to enforce the Act and the Bylaw in order to meet the objects of the Act. Council will undertake prosecutions for breaches of the Act and the Bylaw, and issue infringement notices for offences specified in the Schedule 1 to the Act. Recovery of unpaid infringement fees will be sought through the Summary Proceedings Act 1957, in the courts.

- 9.6 In addition to powers of prosecution and issuing infringement notices, the Council has a number of other powers under the Act which will also be carried out with the aim of safeguarding the public and minimising nuisance caused by dogs and ill-treatment of dogs.
- 9.7 To enable the public, to the extent that is practicable, to use streets and public amenities without fear of attack or intimidation by dogs, dogs found roaming in any public place or on another person's property, whether or not they are wearing collars or properly registered, will be impounded.
- 9.8 Where Council receives complaints, Animal Control Officers may take appropriate action including seizing a dog that is not being properly provided for.

Probationary Owners

- 9.9 Council notes that the Act establishes disincentives for owners who are issued with repeat infringement notices under the Act. Such behaviour can affect that person's ability to register future dogs and so impact on their ability to lawfully own dogs in the future.
- 9.10 Section 21 of the Act provides for the classification of a dog owner as a Probationary Owner. This applies where that person has been convicted of any offence under the Act (except an infringement offence) or has committed three or more infringement offences within a continuous period of two years.
- 9.11 Under the Act, Probationary Owner status will last for 24 months. Probationary owners will not be allowed to register any dog unless they were the registered owner of the dog at the time of the offence.
- 9.12 Probationary owners will be required to pay a 50 percent surcharge over and above all dog control fees.

Disqualification of Owners

- 9.13 Dog owners will be disqualified from owning a dog under Section 25 of the Act if they are convicted of an offence (not being an infringement offence) against the Act while a probationary owner at

the time of the offence. Disqualified owners will not be allowed to own a dog for up to five years after the offence.

Menacing Dogs – Requirement to be Neutered

- 9.14 The Act provides that a Territorial Authority must classify as menacing, any dog that the Territorial Authority has reasonable grounds to believe belongs wholly or predominantly to one or more breeds or types listed in Schedule 4 of the Act.
- 9.15 These breeds and types are currently Brazilian Fila, Dogo Argentino, Japanese Tosa, Perro de Presa Canario and American Pit Bull Terrier. In addition, a Territorial Authority may classify a dog as menacing under the Act in relation to the dog's behaviour.
- 9.16 An owner of a dog that is classified as menacing may object to this classification and has the right to be heard. The Territorial Authority may require that the owner of a menacing dog is required to produce evidence that the dog has been neutered or that it is not in a fit condition to be neutered by the specified date.
- 9.17 It is Council policy in all cases where dogs are classified as menacing because of their breed (i.e. because they are one of the breeds of dogs specified in Schedule 4 of the Act) or behaviour to require evidence that the dog has been neutered or is unfit to be neutered by the specified date.

Barking Dogs

- 9.18 Where a dog control officer has received a complaint and has reasonable grounds for believing that a nuisance is being created by the persistent or loud barking or howling of any dog. The officer may:
 - a. enter the premises to inspect; and
 - b. serve written notice requiring the nuisance to be reduced to a reasonable level.
- 9.19 In determining whether a nuisance is being created the officer will consider:
 - a. barking during unsociable hours;

- b. persistent barking of a long duration;
 - c. prolonged barking over a period of days; and
 - d. other factors which the officer deems relevant.
- 9.20 Owners have seven days against these notices to comply with the notice or object to Council about the content of the notice. Where a notice has been served and the dog causes a further nuisance by barking, the Dog Control Officer may remove the dog from the premises.
- 9.21 Aggressive behaviour is not limited to but may include:
- a. rushing at or startling another person or animal in a way that causes or is likely to cause them injury or endangerment;
 - b. rushing at any vehicle in a way that is likely to cause an accident; or
 - c. attacking any person or animal.
- 9.22 Where a dog control officer observes or believes a dog has attacked a person or has acted aggressively, the officer may:
- a. at the time, seize the dog if it is at large; or
 - b. if the dog continues to be a threat to the safety of people or animals, seize the dog.
- 9.23 If a dog is seized, then a criminal prosecution against the owner of the dog may be advanced.

Dangerous Dogs

- 9.24 Where a dog is declared a dangerous dog under the Act, the dog must be muzzled at all times while in a public place and neutered or spayed within one month of the classification. The dog must also be kept in a secure area within the property and the owner must pay a higher registration fee.

10. Implementation

- 10.1 This policy is given effect by Hutt City Council's Animal Services team.
- 10.2 You can find more information on our website, here:
<https://www.huttcity.govt.nz/services/dogs>.

11. Related Documents

- Dog Control Act 1996;
- Hutt City Council's Dog Control Bylaw;
- Conservation Act 1987;
- National Parks Act 1980;
- Health Act 1956;
- Biosecurity Act 1993;
- Civil Aviation Act 1990;
- Civil Defence Emergency Management Act 2002; and
- Summary Proceedings Act 1957.

Schedule One

Working Dogs

Class	Evidence Required
<p>Working dogs as Stock dogs.</p> <p>Dogs that are kept principally for the purposes of herding or driving stock.</p>	<p>The following breeds are considered by Council to be used as stock dogs in the District:</p> <ul style="list-style-type: none"> Any "Collie" breed Huntaway Heading Australian Cattle Dog Kelpie Sheepdog (Maremma) <p>Any of the above crosses.</p>
<p>An Animal Control Officer will be notified of any registrations for other breeds. The Animal Control Officer may request a demonstration of the dog working, when it is of age.</p>	
<p>Working Dogs</p>	<p>Pest dog: Photo/copy/scan of the pest management plan under the Biosecurity Act 1993.</p> <p>Dogs owned by a licensed Property, Guard under section 9 or section 17 of the Private Security Personnel & Private Investigators Act 2010: Photo/copy/scan of property guard approval documentation</p> <p>Government dogs: Photo/copy/scan of documentation from one of the following Government agencies:</p> <ul style="list-style-type: none"> Police Customs Service MPI (fisheries/forestry) Ministry of Defence Department of Conservation Department of Corrections Aviation Security Service Civil Defence Emergency Management

Declaration of Working Dog

This form is to be completed to declare that your dog(s) is a/are full time working dog(s) kept solely or principally for the purpose of herding or driving stock, pest control under a Pest Management Plan under the Biosecurity Act 1993 or guarding property under section 9 or section 17 of the Private Security Personnel & Private Investigators Act 2010. If requested you must demonstrate the dog's ability to perform its specified function to council's satisfaction.

Registered Dog Owner Details:

Full Name:	
Date of Birth:	
Address where dog(s) are kept at:	
Mobile:	Business Phone:
Email:	
Company Registration Number:	

Dog Details:

Name	Breed	Primary Colour	Secondary Colour	Age:	Sex M/F

In accordance with section 40(1) of the Dog Control Act, I hereby declare that the dog(s) listed above is a/are full time working dog/s, as defined by section 2 of the Dog Control Act 1996 and is/are kept solely or principally for this purpose. I understand that if I knowingly provide any false or misleading statements in relation to this declaration that, on summary conviction, I am liable to a fine not exceeding \$3,000.

Signature:	Date: / /
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