



21 January 2026

Jennifer Curel

s7(2)(a)

Tēnā koe Jennifer,

Request for Information – Local Government Official Information and Meetings Act (LGOIMA) 1987

We refer to your official information request dated 4 December 2025, seeking Council's current Animal Management policies, procedures, and related documentation. Specifically, you requested:

1. *Animal Management policies and processes for conducting investigations, including:*
 - *Standard operating procedures*
 - *Investigation guidelines*
 - *Any internal manuals or decision-making frameworks*
2. *Criteria and methodology used by Animal Management for determining dog classifications, including:*
 - *Dangerous dog classifications*
 - *Menacing dog classifications (behaviour-based)*
 - *Any assessment tools or risk evaluation frameworks*
3. *Animal Management's decision-making and outcome processes, including:*
 - *How decisions are recorded*
 - *Quality assurance or review steps*
 - *Escalation or approval pathways*

4. *Documentation relating to your processes when a dog classification is disputed, including:*
 - *Internal review procedures*
 - *Appeal handling processes*
 - *Templates or guidance used by staff*
5. *Any policies or procedures relating to the management of conflicts of interest, specifically:*
 - *How conflicts of interest are identified*
 - *How they are recorded*
 - *How they are managed within the Animal Management team*

If any of this information is held in internal manuals, guidelines, flowcharts, SOPs, or training documents, please include those as well.

Answer:

In response to your request, please refer to **Appendix 1** below which details the documents in scope of your request. Please note, some information has been removed under section 7(2)(a) of the LGOIMA to protect the privacy of natural persons.

Council does not hold a comprehensive manual or guideline for investigations; however, we do have an operational procedure document (*RSA-WI-212 – Operational procedure when investigating dog complaints*), and staff follow established working practices rather than formalised manuals for some aspects of investigations. Decisions about dog classifications are made in accordance with the Dog Control Act 1996 and Council's Dog Control Policy 2025, and templates such as *Decision to Classify a Dog as Dangerous* and *Decision to Classify a Dog as Menacing* are used to record these decisions. These documents reflect the statutory criteria and methodology for classification.

Classifications and enforcement actions are documented using standard forms listed in the appendix. While Council does not hold a separate quality assurance policy for these processes, decisions are reviewed internally by senior staff, and complex cases are escalated to the Animal Services Manager as part of

standard practice. When a dog classification is disputed, appeals are managed by Council's Democratic Services team, which convenes a panel of Councillors to hear the matter. Relevant documents include the *Appeals Framework* and *Democratic Services Dog Hearing Procedure*. For conflicts of interest, Council's *Conflict of Interest Policy (2024)* applies to all staff, including the Animal Services team, and sets out how conflicts are identified, recorded, and managed.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at: [Office of the Ombudsman - Complaints](#), or freephone 0800 802 602.

Please note that this response to your information request may be published on Hutt City Council's website: [Proactive releases - Hutt City Council](#).

Ngā mihi nui



Rebekah van der Splinter

Senior Advisor, Official Information and Privacy

Appendix 1: Documents for release

Number	Document Type	Title/Subject Line	Redaction Grounds
1	Legislation	Dog Control Act 1996	Released to you in full.
2	Policy	Hutt City Council Conflict of Interest Policy	
3	Bylaw	Hutt City Council Control of Animals Bylaw 2018	
4	Report	Annual Dog Report 2024-2025	
5	Bylaw	Hutt City Council Dog Control Bylaw 2025	
6	Policy	Dog Control Policy 2025	
7	Handbook	Animal Services Handbook	
8	Framework	Appeals Framework	
9	Procedure Document	Democratic Services Dog Hearing Procedure	
10	Template	Decision to Classify a Dog as Dangerous	
11	Template	Decision to Classify a Dog as Menacing	
12	Form	Notice of Classification- Dangerous	
13	Form	Notice of retention of threatening dog	
14	Form	Notice of disqualification from dog ownership s25	
15	Information Pamphlet	Dog Seized for Attack - Rushing Pamphlet	
16	Form	RSA-FORM-012 - HCC - WCC Notice of classification - probationary dog owner ss2123	
17	Form	RSA-FORM-016 - HCC Notice of retention of threatening dog s71	
18	Form	RSA-FORM-016 - HCC-WCC Notice of intention to dispose of seized dog 33EC	

Number	Document Type	Title/Subject Line	Redaction Grounds
19	Form	RSA-FORM-020 - HCC Barking dog notice s55 - letter	Released to you in full.
20	Form	RSA-FORM-021 - HCC Notice to abate barking dog	
21	Form	RSA-FORM-022 - HCC Notice of removal of barking dog	
22	Form	RSA-FORM-028 - HCC-Notice of classification - menacing dog 33C 4B	
23	Form	RSA-FORM-029 - HCC Control of dogs notice s52A	
24	Form	RSA-FORM-030 - HCC-Notice of disqualification from dog ownership s25	
25	Form	RSA-FORM-031 - HCC- Obligation of dog owners s54 - letter	
26	Form	RSA-FORM-032-HCC - Warning for breach of HCC bylaw	
27	Form	RSA-FORM-033 - HCC-Dog surrender agreement	
28	Form	RSA-FORM-051 - HCC-WCC Complaint notice	
29	Form	RSA-FORM-056 - HCC Not for disclosure statement	
30	Form	RSA-FORM-057 - HCC Prosecution cover sheet	
31	Form	RSA-FORM-058 - HCC Incident report by officer	
32	Form	RSA-FORM-058L - HCC Incident report by officer	
33	Form	RSA-FORM-061 - HCC Application for authority to enter a dwelling house ss1432	
34	Form	RSA-FORM-064L - HCC-WCC Incident statement	

Number	Document Type	Title/Subject Line	Redaction Grounds
35	Form	RSA-FORM-066 - HCC-WCC Animal-owner details to register new dog	Released to you in full.
36	Form	RSA-FORM-110 - HCC To print out Neighbour consent additional dogs	
37	Standard Operating Procedure	RSA-WI-212 - Operational procedure when investigating dog complaints	

Version
as at 5 April 2025



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

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Department of Internal Affairs.

Dog Control Act 1996

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Organisations authorised to certify dogs as disability assist dogs

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) AvSec as defined in section 5 of the Civil Aviation Act 2023;
 - (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 AvSec as defined in section 5 of the Civil Aviation Act 2023, 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 **specified agency** paragraph (a)(i): replaced, on 5 April 2025, by section 486 of the Civil Aviation Act 2023 (2023 No 10).

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)(ivb): amended, on 5 April 2025, by section 486 of the Civil Aviation Act 2023 (2023 No 10).

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 secondary legislation regulating the control, keeping, and treatment of dogs.

Section 5(2): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

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) Subsections (1) and (2)(b) do 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): amended, on 30 November 2022, by section 32 of the Statutes Amendment Act 2022 (2022 No 75).

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) *[Repealed]*
 - (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(5)(f)(i): repealed, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

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 an order 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 under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

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

Section 35B(4): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 35B(6): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

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 secondary legislation.
- (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(2)(b): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

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 secondary legislation.

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).

Section 53(2): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

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 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).

Section 75(3): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

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.

Version as at
5 April 2025

Dog Control Act 1996

s 78A

- (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.
- (5) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

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).

Section 78(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

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 under subsection (1) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It is not disallowable because an exemption applies under Schedule 3 of the Legislation Act 2019	LA19 s 115(d), Sch 3

This note is not part of the 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 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

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 the order is published under the Legislation Act 2019; or
 - (b) if the order is published under the Legislation Act 2019 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.
- (5) An order under subsection (1) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
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Version as at
5 April 2025

Dog Control Act 1996

s 78D

Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116
<i>This note is not part of the Act.</i>		

Section 78B: inserted, on 1 December 2003, by section 46 of the Dog Control Amendment Act 2003 (2003 No 119).

Section 78B(3)(a): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 78B(3)(b): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 78B(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

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.

- (3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 78D: replaced, on 21 March 2019, by section 6 of the Local Government Regulatory Systems Amendment Act 2019 (2019 No 6).

Section 78D(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

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

Schedule 1	Dog Control Act 1996	Version as at 5 April 2025
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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).*

Version as at
5 April 2025

Dog Control Act 1996

Schedule 4

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

Pawsible Service Dogs

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 **K9 Search Medical Detection**: repealed, on 20 December 2024, by clause 4(1) of the Dog Control (Schedule 5) Order 2024 (SL 2024/236).

Schedule 5 **Pawsible Service Dogs**: inserted, on 20 December 2024, by clause 4(2) of the Dog Control (Schedule 5) Order 2024 (SL 2024/236).

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).

Version as at
5 April 2025

Dog Control Act 1996

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).*

Notes**1 General**

This is a consolidation of the Dog Control Act 1996 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Dog Control (Schedule 5) Order 2024 (SL 2024/236)

Civil Aviation Act 2023 (2023 No 10): section 486

Statutes Amendment Act 2022 (2022 No 75): Part 13

Secondary Legislation Act 2021 (2021 No 7): section 3

Privacy Act 2020 (2020 No 31): section 217

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

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)

Notes

Dog Control Act 1996

Version as at
5 April 2025

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)



CONFLICT OF INTEREST POLICY

Division	Risk and Assurance		
Date Created	April 2010		
Publication Date	November 2021		
Review Date	May 2024		
Owner	Risk and Assurance Manager		
Approved By	Corporate Leadership Team		
Document Identifier	RAA-POL-003		
V5.0	Nishana Reddy	May 2024 (Reviewed, updated to include CCO's)	
	Nishana Reddy	November 2021 Reviewed (minor amendments)	
V 3.0	Enid Davids	April 2019	Reviewed
V 2.0	Enid Davids	March 2016	Reviewed
V 1.0	David Woltman	April 2012	Reviewed
V 0.1	Claire Johnstone	April 2010	Draft developed

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RELEASED UNDER THE LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

1. INTRODUCTION

Hutt City Council ("**Council**") and its wholly owned Council Controlled Organisations (CCO's), together known as the Council Group is committed to the highest standards of honesty, integrity, transparency and ethical conduct in its day-to-day behaviour and decisions, in both actuality and appearance.

However, from time to time, Council officer's interests may give rise to either an actual, potential, or perceived conflict of interest. Effective management of conflicts of interest is crucial to reducing legal and reputational risks while also demonstrating integrity when carrying out duties on behalf of the Council.

Council Group adopts a principles-based approach to the identification and management of conflicts of interests. This policy, in conjunction with the Code of Conduct, sets out the principles and guidance for making informed judgements when faced with competing interests.

2. OBJECTIVE

To ensure Council Group officers and any person involved in the operations of the Council Group understand how to identify, manage, and disclose any actual, potential, or perceived conflicts of interest when executing their duties and responsibilities consistently, and act in a manner that uplifts public confidence.

3. PRINCIPLES

- Council Group officers are expected to be fair, impartial, unbiased, responsible, competent, and trustworthy in carrying out their duties in a manner consistent with the spirit of service to the public and refrain from pursuing personal/other interests at the expense of Council's interests or the collective interest of the community. Other interests include political, religious, or cultural beliefs etc. that may indicate prejudice or predetermination in favour for or against person/s or issue/s;
- Disclosure of interests are required from commencement and throughout employment as conflicts of interest situations can arise at anytime;
- Officers must be alert to situations or people they manage to ensure conflicts are identified as early as possible and necessary steps are taken to mitigate the risks;
- Disclosure of conflicts of interest may involve disclosing confidential information. This information must be handled with due care for the privacy of the individual concerned;
- All information used to carry out your duties while employed by the Council Group must not be used to influence/guide decisions that could create a personal benefit directly or indirectly. This includes information that is not explicitly labelled 'confidential' or 'sensitive' and is not generally available to the public;
- Council Group treats impartially all external persons and organisations that it has a current or potential relationship with;
- Officers are not to undertake other employment or participate in other business or voluntary activities which present a conflict of interest with the Council Group;
- Only those authorised by the Chief Executive or who have express delegation as part of their role can make public statements on behalf of the Council Group. When speaking to/in the media as a private individual, officers must make it explicit that the comment is made in a private capacity. (Council/CCO job titles, Council/CCO contact details, or Council/CCO's letterheads must not be used. Additionally, Council Group facilities must not be used as backdrops for filming or photographic purposes);

- Any officer making a presentation or writing a publication/paper in his/her capacity as a Council officer or as part of academic studies, must obtain approval of the content from their line manager and the Council/CCO 'owner' of the subject matter. Additionally, publications in a private capacity must be explicitly stated to be in that private capacity; and
- Perceptions are important. Officers are not only to behave ethically, but be seen to behave ethically, and with honesty, integrity, impartially, accountability, trustworthiness, respect, and responsiveness.

4. APPLICATION

This policy applies to:

- Employees ("**Officers**") of the Council Group including permanent, temporary, casual, fixed term and seconded workers;
- Those employed on a contract basis, including contractors through external agencies; and
- Any person involved in the operation of the Council Group.

Elected Members are governed by the Local Authorities (Members' Interests) Act 1968, Standing Orders and the Elected Members' Code of Conduct and therefore are excluded from this policy.

5. DEFINITIONS

For the purpose of this document:

- **Conflict of interest** involves a conflict between the public duty and the private interest of a public official, in which the official's private-capacity interest could improperly influence the performance of their official duties and responsibilities.

[Definition from Managing Conflict of Interest in the Public Sector – ISBN 92-64-01822-0 – © OECD 2005]

- **Actual conflict** is where the conflict already exists.
- **Potential conflict** is where the conflict is about to happen or could happen or ought to be reasonably foreseeable to lead to a conflict of interest.
- **Perceived conflict** is where other people might reasonably think, based on the information generally available to them, that a person has been compromised.
- **Close relationship** is a connection or association that may impair judgement to act impartial. For example: relationships with immediate and extended family members, business associates/partners, and hapū or iwi.
- **Council officers** are persons involved in the daily operations of the Council Group.
- **Financial interest** is an ownership stake in an equity security or debt security issued by an entity, including the rights and obligations to acquire such an interest.
- **Non-financial interest** is an ownership stake that does not have a financial component.

6. IDENTIFICATION AND MANAGEMENT OF CONFLICTS OF INTEREST

- All conflicts of interest do not automatically imply wrongdoing on the part of any person. However, Council Group officers must identify and disclose all interests that may create a conflict of interest in a timely manner with their line manager in the first instance.
- Council officers must also complete the Interest Disclosure Form RAA-FORM-003, obtain the

relevant approval and forward the completed form to Risk and Assurance for processing on the Council Group wide interest Register. (Access to details captured on the Council Group wide interest register is restricted).

- Management will determine whether a conflict of interest exists and the course of action, in consultation with the officer/s involved.
- All conflicts must be reviewed on a case-by-case basis as soon as practically possible.
- Where an actual conflict of interest exists, any transactions that may have been affected must be reviewed retroactively.
- The Chief Executive, and directors must complete a declaration at least annually. Including a 'nil return' if there are no conflicts to disclose.
- Leaders of the Council Group must build awareness of conflicting situations and provide adequate support to employees in order to comply with this policy.

7. EXAMPLES OF CONFLICTING SITUATIONS

A conflict of interest can arise in a number of ways and can be caused, amongst other things, by:

- Current employment with another organisation;
- Involvement, interest and/or ownership/shareholdings in another business;
- Investments and property ownership, or beneficial interests in trusts;
- Membership of or holding an office in another organisation, club, society or association;
- Professional or legal obligations (such as being a trustee, chairperson);
- Financial obligations e.g., an officer owing debt to someone or someone owing debt to the officer;
- Personal relationships – family, friends or close personal relationships;
- Holding or expressing strong political, personal, religious, or cultural beliefs that may indicate prejudice or predetermination in favour for or against person/s or issue/s;
- Having received a gift, sponsorship, hospitality, or other benefit; or
- Being a relative or close friend of someone who has one of these interests (or who could otherwise be personally affected by a decision of the public entity).

8. PROTECTED DISCLOSURES

Nothing in this Policy shall limit the rights and obligations of employees or the Council Group under the *Protected Disclosures Act 2000*. Refer Protected Disclosure Policy for obligations and rights of employees and employers relating to Protected Disclosures Act 2000.

9. DISCIPLINARY ACTION

All actual or alleged policy breaches will be investigated and actioned in accordance with People and Capability procedures i.e., the Policy Guidelines to Managing Misconduct and disciplinary procedures.

Bring forward concerns, pertaining to yourself or a colleague, to your line manager, Director, Chief Executive, People and Capability or Risk and Assurance if you suspect or detect an undisclosed or inadequately managed interest. This can be done via the Reporting Wrongdoing and Fraud form, which forms part of the Protected Disclosures Policy process.

10. RELATED POLICIES OR FORMS

- Conflict of interest disclosure form
- Receiving of Gifts Policy
- Code of Conduct
- Fraud Policy
- Policy Guide to Managing Misconduct
- Protected Disclosures Policy
- Procurement Policy and Guidelines
- Staff Media Policy

HUTT CITY COUNCIL CONTROL OF ANIMALS BYLAW 2018

Division	Strategy and Engagement
Date created	December 2018
Amendment adoption	March 2024
Publication date	March 2024
Review period	December 2028
Owner	Strategy and Policy
Approved by	Jarred Griffiths

Version	Author	Date	Description
V 1.0	Graham Sewell	December 2018	Full review of bylaw
V 2.0	Angela Gordon	March 2024	Amendment to include a section on the Keeping of Cats



1. INTERPRETATION

1.1 In this Bylaw:

"Animal" has the meaning defined in the Animal Welfare Act 1999 and means any live member of the animal kingdom that is a mammal, bird, bee, or any other member of the animal kingdom that is declared from time to time by the Governor General, by Order in Council, to be an animal.

"Authorised Officer" means any person appointed or authorised by the Council on its behalf.

"Commercial poultry shelter or run" means any commercial poultry operation containing more than 8 head of poultry.

"Council" means the Hutt City Council.

"Domestic animal" means any animal (including a bird or reptile but excluding bees) 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.

"Nuisance" refers to the dictionary definition (a person, thing, or circumstance causing trouble or annoyance; anything harmful or offensive to the community or a member of it and for which a legal remedy exists) or to a statutory nuisance as defined in Section 29 of the Health Act 1956.

"Owner's property" includes any property the owner of an animal has a legal right to use for the purposes of keeping the relevant animal.

"Poultry" includes geese, ducks, turkeys, domestic fowl, roosters, or any birds kept as show birds.

"Trapping devise" means any trap or other similar devise made of metal or other hard material having two jaws closing on each other and operated by a spring and includes without limitation a gin trap but does not include any trap designed for trapping mice or rats or

other predator free devises (as approved by the National Animal Welfare Advisory Committee).

“Urban area” means the area defined as urban area in the map in Schedule 1. Council may amend this map by resolution.

2. GENERAL CONDITIONS OF KEEPING ANIMALS

- 2.1 All animals shall be kept in a manner that is not, or is not likely to become a nuisance, dangerous, offensive, or injurious to health.
- 2.2 All animals shall be kept in a manner that ensures they have adequate physical wellbeing through acceptable nutrition, environment, health, behavioural stimulus, and adequate mental wellbeing.
- 2.3 All domestic animals, other than domestic cats, found at large and not within their owner’s property may be seized and impounded by an authorised officer.
- 2.4 The Council may sell, rehome or otherwise dispose of any animal seized and impounded that has not been claimed or returned within 7 days after it was seized and impounded.

3. Keeping of goats

- 3.1 No goats are to be kept in any Urban Area, unless written permission has been granted by Council.
- 3.2 The Council may grant permission to keep a goat on such conditions as the Council considers appropriate. If there is a breach of any condition, Council may revoke its permission.
- 3.3 All goats must be fitted with an ear tag or collar with sufficient details to allow the owner to be traced to contacted if the goat is seized.
- 3.4 All goats must be kept within private property, unless written permission has been granted by Council to do otherwise.

4. Keeping of poultry

- 4.1 Poultry must be adequately contained within the owner's property, so as not to cause (or be likely to cause) nuisance, offence or be injurious to health.
- 4.2 No roosters are to be kept in any Urban Area unless written permission has been granted by Council.
- 4.3 Any owner or occupier of any property in an urban area may keep no more than 8 chickens (or other poultry) without the Council's prior written permission. In assessing an application to allow more than 8 chickens (or other poultry), the Council will consider:
- a. The number of poultry at the premises; and
 - b. Provision for the welfare, hygiene, control, and confinement of the poultry; and
 - c. Provision for the protection of other persons or property from being affected in any way by the poultry; and
 - d. The size of the property and proximity to neighbours; and
 - e. Any other factors it considers relevant.
- 4.4 Council may grant permission to keep roosters or poultry on such conditions as Council considers appropriate if there is a breach of any condition, Council may revoke its permission.

5. Keeping of cats

- 5.1 Every person who keeps cats must ensure that cats of 12 weeks of age or older are:
- a. Microchipped;
 - b. Registered on the New Zealand Companion Animal Register; and
 - c. Desexed (unless kept for breeding purposes and registered with a nationally recognised cat breeders' body, including New Zealand Cat Fancy Ltd and Catz Inc.).

6. Noise from animals

- 6.1 No person may keep an animal that by frequent or long continued noise creates a nuisance by disturbing the quiet enjoyment of people living in the vicinity.

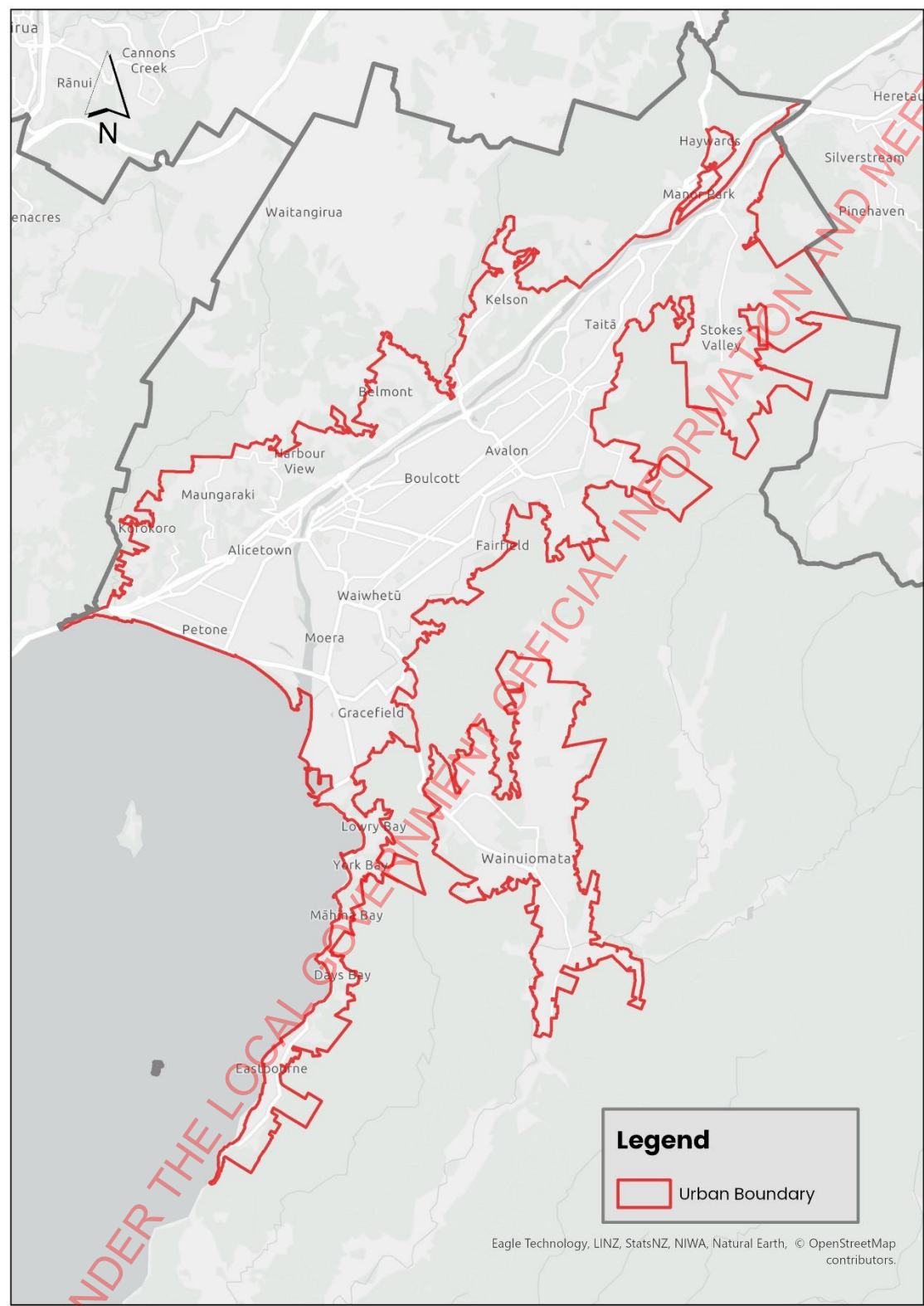
7. Health and safety issues from beekeeping

- 7.1 No person may keep bees in such a way as to cause (or likely to cause) nuisance, offence or be injurious to health.

8. Offences

- 8.1 Every person commits an offence who breaches a clause of this bylaw.

Schedule 1: Urban Area



Hutt City Council

Annual Dog Control Report

2024-2025



Artwork By Joel, Age 10

RELEASED UNDER THE LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

1. Purpose of Report

Hutt City Council is required to manage and enforce provisions under the **Dog Control Act 1996 (the Act)** and subsequent amendments in 2003, 2004, 2006, 2010 and 2024.

Section 10A of the **Act** requires the Council to report annually on its dog control policy and operations. This section requires the Council to report on several statistical aspects of its dog control policy and practices and to make the report publicly available.

This report fulfils the statutory requirement for dog registration year 1 July 2024 to 30 June 2025.

2. Dog Control Policy and Practices

The Council adopted a Dog Policy and Dog Control Bylaw in May 2005 which provides a practical framework for the care and control of dogs in the city.

It gives legal powers to enforce bylaws and determines requirements for keeping dogs in a way that:

- Encourages responsible dog ownership and support the needs of dog owners.
- support the right for people to move freely around the city without experiencing danger, distress, or nuisance from dogs.

The policy was revised in 2015. In 2025 Council opened public consultation to review the Dog Control Policy and the Dog Control Bylaws. The policy and bylaw were adopted by Council and became effective on the 31 July 2025.

Key changes include:

- A license requirement for commercial dog walkers in the Bylaw.
- A limit of four dogs under one person's control in public spaces, as outlined in the Bylaw (this does not apply to commercial dog walkers with demonstrated experience); and
- Updated summertime restrictions in the Bylaw regarding dog access to certain beaches (using specified dates rather than the more ambiguous 'daylight saving' - i.e. 1 December to 31 March).
- Provision of additional dog exercise areas and improvements to maps showing dog exercise / parks and prohibited areas.

Full details can be found on HuttCity website.

[Dog laws in Lower Hutt | Hutt City Council](#)

Other Amendments

The Hutt City Dog Control Bylaw 2015 was amended on 28th May 2024 to prohibit dogs from Bird Protection Areas (BPAs) at Sorrento Bay, Whiorau Reserve, CL Bishop Park, and HW Shortt Park. The Bird Protection Areas were required to be established part of the consent conditions for the Tupua Horo Nuku project which is a 4.4-kilometre seawall and shared path along Marine Drive between Ngau Matau (Point Howard) and Eastbourne. The creation of the BPAs requires new fencing and signage to inform the public of the new restrictions. Increased patrols by Animal Control Officers will occur once all the fencing and signage is completed. These amendments remained unchanged under the new Animal Dog Control Bylaw 2025

3. Animal Services Teams

- a) The Hutt City Council Animal Services Team operates for Lower Hutt.
- b) HuttCity council provided services up until the 31st of March 2025 for WCC. This contract concluded by mutual agreement.
- c) The Hutt City team comprises of a Team Leader, a Principal Animal Control Officer, a part time Senior Animal Control Officer, 3 Animal Control Officers and a Shelter Officer. They are based at 21 Meachen Street, Seaview.
- d) The Hutt City Animal Administration team comprises of a Team Leader, 1 full time Administrator, 2 part time administrators and a casual administrator employed for the re-registering of dogs.
- e) Hutt City has a Memorandum of understanding with Upper Hutt City Council which gives UHCC Animal Control Officers access to the Seaview shelter to house its dogs which are seized after hours. All veterinary, sustenance, shelter and other services are charged back to UHCC.

4. Fees

Dog registration fees and impound fees contribute approximately 60% to 79% to the cost of dog control as set out in HCC Revenue and Financing Policy. Dog registration fees are set by Council resolution and were increased from the 1st of July 2025.

- The registration fee for de-sexed dogs paid before the 31st of July, 2025 of \$133 was not increased.
- The registration fee for an entire dogs increased from \$174 to \$189 to reflect inflationary increases and the impact of entire dogs on the production of unwanted puppies, roaming and aggressive behaviour.

How fees are used

Dog registration fees cover a range of different services that allow us to provide a safe and healthy community for all residents and dogs. The fee increase was necessary for us to deliver services that include:

- promoting care and control of over 10,000 dogs in Lower Hutt
- patrolling public areas and enforcement of the Dog Control Bylaw
- encouraging responsible dog ownership - we have over 1,500 dog owners with Responsible Dog Owner status in Lower Hutt
- maintaining national dog database records
- administration associated with registering dogs and other services.
- operation of Animal Shelter at Seaview, Petone
- maintaining a livestock paddock for impounded animals.
- responding to public inquiries about dogs - [Report a problem](#)
- providing education to schools and other groups free of charge
- maintaining dog parks and off-leash exercise areas including the Les Dalton Dog Park.
- Training for staff to respond in natural disasters to animal welfare emergencies.
- Re-homing suitable dogs after completion of temperament and behaviour testing
- Providing dog poo dispensers and signage
- Enforcement action under the Dog Control Act 1996 and the HuttCity By-law 2025 including impounding, classification of dogs and prosecutions.

Our fees are set in accordance with Section 37 of the Dog Controls Act 1996 and are available for public submissions before being considered and ratified by the Council ([Section 37: Dog Control Act 1996](#)).

The Council also operates a responsible dog owner scheme which provides a discounted rate for dog owners who meet the relevant criteria.

The current year fees can be found here: [Fees and Charges](#)

Hutt City Council has an Animals Service Manager, 6 ACOs, 2 full-time Administrative Staff members, 2 part-time administration officers, and 1 full-time Kennel Officer.

The Officers are responsible for dog control activities throughout the Hutt City precinct.

After hours urgent requests are contracted to Amourguard Ltd. They respond to requests from 5pm to 8am on weekdays, weekends and on public holidays. Urgent requests cover attacks on animals or people, aggressive roaming dogs, dogs secured by members of the public and dogs on roadways impacting traffic.

5. Key achievements

The animal services team has officers dedicated to 6 city wards which allow for the officers to interact with dog owners and the public in those areas. By having the local knowledge of each ward, the officers can respond to complaints and requests for service in a very timely manner.

A new co-operative initiative has been launched in 2024 with SPCA to specifically target de-sexing dogs to reduce the number of dogs resulting in unwanted litters, straying, and aggressive behaviors from entire dogs in the community. This collaboration has been a success with 36 dogs being de-sexed. The partnership involved HCC Animal Control officers targeting

specific dog owners whose dogs had been causing complaints or the owners faced financial difficulties preventing them getting their dogs de-sexed.

6. Rehoming program

Officers continue to run a very successful rehoming program. The Facebook page ([Animal Services Wellington & Hutt Valley](#)) is well-received nationwide and has a huge following of almost 16,000 followers. Dogs are rehomed throughout New Zealand. Dogs are carefully assessed to ensure their suitability for adoption.

10 dogs were re-homed, and 13 dogs were transferred to either SPCA or HUHA.

7. Community engagement

Animal Control Officers continue to build positive relationships with our dog owners which includes dog behavioural and training advice via home visits on request.

A "Cheap as Chips" discount was offered to all dogs that have not already been microchipped, for a discounted fee, to encourage compliance.

A quarterly newsletter to dog owners has been launched. It features advice for dog owners, recent dog adoptions and events.

Animals Services launched a vet partnership with Carevets Wainuiomata and Valley Cottage Vets, Stoke Valley. Certificates for vaccination, de-sexing and when dogs pass away are shared with Council. This ensures certificates do not go missing making it easier for dog owners when registering their dogs. It also supports dog owners during the difficult time when their dog has passed away.

Animal Services supported the penguin diversion training offered by Willy Marsh from Kiwi Avoidance Training. This training is well recognised as being highly effective in reducing the risk of dog attacks on Kororā (Little Blue Penguin).

7 Community engagement (cont.)

Animal Control Officers continue providing an education program to schools on dog bite prevention and training for those persons who interact with dogs during their day-to-day workout in the community.

Animal Service provided an education program for senior ratepayers at the Wainuiomata Community hub on how to keep safe from dog attacks.

Three Animal Control Officers attended the MPI (Ministry of Primary Industries) exercise 'Poseidon,' covering advanced animal rescue training. Exercise Poseidon was a WREMO (Wellington Region Emergency Management Office) lead exercise supported by NEMA, FENZ (USAR) and other CDEM Groups. The scenario was a Wellington Earthquake combined with a regional severe weather event.

Our online registration system for new and previously registered dogs is continuing to be the most popular method for dog owners to receive their invoices.

Children were invited to take part in a drawing competition with many exceptional entries. The artwork was then featured on billboards and Council website to help promote the dog registration season.

We will continue with our cell phone text alerts to dog owners for registration reminders, river algae warnings in the summer months, and any 1080 operations by the Department of Conservation.

Hutt City Council has 45 Dog Bag Dispenser Locations around Hutt City to keep our city free from dog "land mines".

Animal Control Officers represented Animal Services at the Hutt City Council stalls at the Petone Rotary Fair.

8. Dog Welfare

We have responsibilities under the Dog Control Act 1996 to ensure all dogs receive proper care and attention and is supplied with proper and sufficient food, water, and shelter

We work alongside SPCA and HUHANZ officers in most cases to ensure that dogs are receiving the care required and, in some cases, will seize those dogs where owners have failed to adhere to warnings previously.

9. Responsible dog owner ([How to be a responsible dog owner](#))

The Responsible Dog Ownership application process was made easier for dog owners. This recognises the majority of HuttCity Dog owners care and take responsibility for their dogs.

There is now an online questionnaire to complete. A property inspection and a demonstration may require if an Animal Control Officer deems it necessary.

Additionally, as a responsible dog owner (RDO) you are to meet the following conditions and requirements:

- Your dog is vaccinated and microchipped.
- your annual dog registration fees are paid on time.
- your dog has free access to a fully enclosed containment area on your property (this doesn't have to be a fully fenced garden or yard)
- in the last year, your dog has not been impounded, been the subject of a substantiated public complaint, or received an infringement notice.
- you have not received any convictions under the HuttCity Council Dog Control By-law 2025, the Dog Control Act 1996; or the Animal Welfare Act 1999.
- Your dog has been registered with HCC for at least 1 year.

Where you can take your dog to exercise (See all [Dog exercise areas](#))

In designated dog exercise areas, your dog doesn't need to be on a lead, but you need to have one with you. Even when you're exercising off-leash, you must keep your dog under control at all times.

In public places, your dog needs to be on a lead.

If you're taking your dog out in public, it's your responsibility to clean up after it. Used litter bags can be placed in public rubbish bins on the street.

Where you can't take your dog (See all [Prohibited Areas](#))

Unless your dog is a guide dog, hearing ear dog, companion dog, or a working dog being used by the Police or a Security Company, you can't take your dog to:

- public libraries
- playgrounds
- council swimming pools
- kindergartens and play centres.
- marked sports fields.
- special events, where advertised.

Microchipping is enforced. ([Dog Control Act 1996 Section 36A](#))

Dog registration and microchipping are not the same things. You must register your dog each year, but you only need to microchip your dog once.

Microchipping is a simple procedure. A microchip is a tiny chip with a unique ID number that is inserted into your dog's neck. It only takes seconds to insert. The chip can then be scanned at vet clinics and animal shelters to identify your dog.

All new puppies and any dogs registered from 1 July 1996 (except working farm dogs) in New Zealand for the first time must be microchipped within two months of being registered.

10. Dog Control Statistics 2023/2024

Dogs registered for the year:

- 8641 as of 1 September 2025

Active dogs in HuttCity

- 10,197 as of 1 September 2025

Probationary owners and disqualified owners:

- A dog owner was disqualified for a period of 3 years for repeated instances of failing to keep a dog controlled or confined. The dog had been classed as menacing and had multiple complaints for aggressive behaviour while roaming.

Dogs that have been classified as dangerous this year (S31 Dog Control Act 1996):

- 6

The number of dogs that have been classified as menacing this year (S33A and S33C):

- By deed 32
- By breed 3

The number of infringement notices issued:

We have issued:

- 774 - S42 Failure to register Dog
- 66 – Other offences

In addition

- 1201 dog owners with outstanding registration fees were sent to debt collection.

Dog related complaints

Complaint	Total	Change from 2023/2024
Barking dogs	564	-147
Dogs attacking people	108	-16
Dogs attacking animal	118	+10
Dogs threatening	212	-9
Uncontrolled dogs	1252	-14
Roaming dogs	788	+76
Lost dogs	196	-6
Found dogs	278	-37

Miscellaneous	Total
Roaming Stock	34
Dogs returned to owner	210
Welfare Investigations	74
Microchipping	114
Adoptions	10
Transferred to another TA	13
Impounded dogs	390

Number of owners prosecuted by Hutt City Council

2 dog owners were prosecuted.

Hutt city Council completed a prosecution against a dog owner for breach of section 57(2) Dog Attacks a Domestic Animal and a 32(2) failing to comply with dangerous dog classification. of the Dog Control Act 1996. The owner was discharged on both charges. An order for destruction was sought by HCC however this was not made by the court. The dogs were surrendered by the owner, and they were destroyed.

A dog owner was convicted on two charges on under sections 57(2) Owner of a dog that attacks a person and 32(2) failing to comply with dangerous dog classification. An order for the destruction of the dog was made by the courts.

Author: Justin Roberts
Head of Regulatory Services



Approved By: Alison Geddes
Director of Environmental and Sustainability

Dog Control Bylaw

Business unit(s)	Strategy & Policy, Legal, Animal Services		
Date adopted	31/07/2025		
Date effective	31/07/2025		
Review period	Ten years		
Owner	Head of Strategy & Policy		
Approved by	Full Council		
Implementation	Animal Services		
Monitoring/Evaluation	Animal Services, Strategy and Policy		
Version	Author(s)	Date	Description
V 1.3	Sam White, Miranda Dunn, Duncan Pratt	31/07/2025	Legislatively required review
V 1.2	Sam White, Bradley Cato	28/05/2024	Amendments to Eastern Bays prohibition areas
V 1.1	Graham Sewell	15/12/2015	Legislatively required review



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1. Interpretation

- 1.1 In this bylaw, unless inconsistent with the context, or where otherwise expressly provided:-
- **Commercial dog walker** means any individual or business that walks or trains dogs in public spaces in exchange for payment.
 - **Dog Exercise Area** means an area within a public place that is specified by ordinary Council resolution to be a dog exercise area where dogs may be exercised off the lead.
 - **Dog Park** means a Dog Exercise Area that is defined and fenced, used solely for the purpose of dog exercise and contains specific additional amenities.
 - **Dog Prohibition Area** has the meaning set out in clause 9 of this Bylaw.
 - **Household Unit** means a building or group of buildings, or part of a building or group of buildings, used principally for residential purposes and occupied exclusively as the home or residence of one household.
 - **Land** means a separately owned or occupied portion of land.-
 - **Reserve** means any open space, plantation, park, garden or ground set apart for public recreation or enjoyment which is under the management and control of Council and includes all land administered by Council under the Reserves Act 1977.
 - **Sports Surface** includes any Council land used for sporting activities, whether permanently or temporarily marked, including athletic fields, playing fields, playing courts and other constructions provided for sporting purposes.
- 1.2 The expressions "Dog Control Officer", "Dog Ranger", "Owner", "Public Place", "Working Dog", "Disability Assist Dog" have the same meaning as in section 2 of the Dog Control Act 1996.

2. Limitation on Number of Dogs Permitted on Land or Premises

- 2.1 No person shall keep more than two dogs over the age of three months on any premises unless they have obtained a licence for additional dogs under clause 3.1.
- 2.2 No person may exercise (on-lead or off-lead) more than four dogs at any time in a public place without a Commercial Dog Walker's licence.
- 2.3 Council will have discretion to waive licensing requirements and issue an exemption on a case-by-case basis. Any persons wishing to be considered for an exemption should contact Council's Animal Services team.

3. Licensing of Additional Dogs and Commercial Dog Walkers

- 3.1 The owner of a dog, or the owner or occupier of the land or premises, wanting to obtain a licence for an additional dog or dogs shall make written application to Council in the forms set out in Schedule One and Two of this bylaw and shall provide with their application any information Council requires.
- 3.2 Any Commercial Dog Walker shall make written application to Council for a licence in accordance with Schedule Three of this bylaw and shall provide with their application any information Council requires.
- 3.3 Any licence issued under clauses 3.1 and 3.2 may be subject to any reasonable terms, conditions and restrictions consistent with this bylaw. Every licence shall be issued on the forms set out in Schedules One, Two and Three of this Bylaw and, subject to clause 4.1, shall remain in force from the date of issue until the 30th of June the following year.

- 3.4 For every licence, the applicant(s) shall pay to Council (before the issue of the licence), the fee, or a proportionate part of the fee in the case of a licence issued for a period of less than a year.
- 3.5 The fee for the licence shall be payable in addition to the registration fees payable under the Dog Control Act 1996.

4. Revocation of Licence

- 4.1 Council may revoke a licence at any time while that licence is in force in accordance with clause 3.3 if:
- a. Council is satisfied that the keeping of the additional dog or dogs has caused or materially contributed to a nuisance or the likelihood of injury to health; or
 - b. Council is satisfied that the keeping of the additional dog or dogs has caused an unduly detrimental effect upon the surrounding neighbourhood; or
 - c. there has been a failure to comply with all or any of the terms conditions and restrictions of the licence.
- 4.2 Any exemptions issued under 2.3 are subject to revocation under 4.1.
- 4.3 Where an owner fails to obtain a license or exemption within seven days of being notified of the requirement to do so, a Dog Control Officer will, by written notice, require the owner/occupier to reduce the number of dogs on their premises to no more than two dogs within 14 days. Where the owner/occupier fails to comply with this notice, Council is permitted to seize and impound the number of dogs necessary to reduce the number of dogs on the premises to two.

5. Limitation on Numbers not to Apply in Certain Areas

- 5.1 Nothing in clauses 2 and 3 shall apply:
- a. to premises within any rural areas under an operative or proposed District Plan prepared by Council;
 - b. to premises lawfully used exclusively or principally as a veterinary clinic including an office used by a veterinary surgeon in the course of their business; and
 - c. to premises lawfully used exclusively or principally for carrying on the business of boarding, walking or grooming dogs.

6. General Controls in Public Places

- 6.1 Except as provided in clause 7.1:
- a. no dog shall be permitted in a public place; and
 - b. no person being the owner of a dog shall take the dog into or permit the dog to enter or remain in a public place unless:
 - i. the dog is kept under continuous control by an effectual leash held by a person and securely attached to a collar on the dog; or
 - ii. the dog is contained in a vehicle or cage.
- 6.2 If a dog defecates in a public place or on land or premises other than that occupied by the owner, the owner or other person having control of that dog shall immediately remove the faeces.

7. Dog Exercise Areas

- 7.1 Notwithstanding anything contained in clause 9, a person may exercise a dog off lead in any designated Dog Exercise Area (including a Dog Park) as outlined in Schedule Four.
- 7.2 The owner or person responsible for the dog shall ensure that the dog is kept under constant supervision and control while being exercised in a Dog Exercise Area (including a Dog Park).

8. Resolution to Specify Dog Exercise Areas

- 8.1 Council may, by resolution, specify Dog Exercise Areas where dogs may be exercised off lead.
- 8.2 Council may amend or revoke a resolution made under clause 8.1 at any time.
- 8.3 Before making a resolution under clause 8.1, Council must take into account:
 - 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.

9. Prohibited Areas

- 9.1 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.
- 9.2 For the purposes of clause 9.1, the following are Dog Prohibition Areas as outlined in Schedule Four:
- 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 that 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.

10. Resolution to Specify Dog Prohibition Areas

- 10.1 Council may, by resolution, specify Dog Prohibition Areas where dogs are prohibited to enter upon or remain in.
- 10.2 A resolution made under clause 10.1 may specify that dogs are prohibited from the area either generally or only in relation to specified times and days or events.
- 10.3 Council may amend or revoke a resolution made under clause 10.1 at any time.

- 10.4 Before making a resolution under clause 10.1, Council must take into account:
- 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; and
 - e. impact on wildlife areas; and
 - f. whether it is necessary to consult with the public to gauge community views on a proposed Dog Prohibition Area; and
 - g. any other information considered by Council to be relevant.

11. Exemption for Certain Working Dogs

- 11.1 Nothing in clause 9 shall apply to a Disability Assist Dog or to a Working Dog which is being used by the Police or a security guard in the course of their functions and duties.
- 11.2 Clause 6.1 shall not apply to the types of dogs referred to in 11.1 or to a Working Dog being lawfully used to move stock.

12. Owner Deemed to have Permitted the Dog to be in Public Place

- 12.1 The owner of a dog found in any place in breach of clauses 6.1 or 9 shall, unless the contrary is proved, be deemed to have permitted the dog to enter or remain in that place.

13. Standards for the Keeping of Dogs

- 13.1 The occupier of any premises on which a dog is kept shall take all steps reasonably necessary to:
- a. ensure the dog receives proper care and attention and is supplied with proper and sufficient food, water and shelter; and
 - b. prevent the keeping of the dog becoming a nuisance to any person or injuring, endangering or causing distress to any person.

14. Notice to Upgrade Standards

- 14.1 If Council considers that clause 13 is breached, Council may (but shall not be obliged to) serve a notice on the occupier to take action to ensure the conditions under which the dog is kept are improved so that clause 13.1 is not breached. The notice may specify all or any of the following actions to be taken (except in the case of ongoing actions) within a reasonable time specified in the notice:-
- a. reduce the number of dogs kept notwithstanding the existence of a licence under clause 3;

- b. construct, alter or reconstruct kennels or other places where dogs are kept;
 - c. keep dogs confined or restrained in specified ways, specified areas and for specified times;
 - d. clean kennels and other places where dogs are kept; and-
 - e. take any other action necessary to properly house any dogs or to reduce or eliminate the nuisance caused by the dogs.
- 14.2 Council shall only specify actions under clause 14.1 which are reasonable having regard to the inadequacy of housing, or the nature of the nuisance. In specifying any action under clause 14.1 Council shall have regard to:
- a. the need for adequate shelter and space;
 - b. the need for a clean and healthy living area;
 - c. the proximity of other dwellings;
 - d. the separation of kennels or other places dogs are kept from boundaries;
 - e. the use of materials which are easily cleaned in kennels and other places dogs are kept;
 - f. the construction of the flooring or ground treatment of a kennel or other place where dogs are kept, such as whether it is graded and whether it is drained to a sewer drain; and
 - g. the need for cleaning of kennels or other places where dogs are kept.
- 14.3 Council may at any time cancel any notice given under clause 14.1 if it believes the notice has not been complied with and will not be complied with.
- 14.4 So long as a notice under this section has been issued and has not been cancelled in accordance with clause 14.3 Council shall not prosecute the occupier for a breach of clause 13 before the date stated on the notice as the date by which the actions (except ongoing actions) are to be carried out.

Schedule One

APPLICATION FOR A LICENCE TO KEEP ADDITIONAL DOGS ON LAND OR PREMISES



HUTT CITY COUNCIL

Adobe Acrobat V11 is required to fill this form online
Download for free <http://get.adobe.com/reader/>

Name		Person ID
Address		
Work Phone	Home Phone	Mobile Phone
Email		

I hereby apply, pursuant to Clause 3 of the Hutt City Bylaw 2005 – Dog Control, for a licence in respect of the land or premises described below permitting an additional dog/s to be kept on the land or premises.

DETAILS OF ALL DOG/S TO BE KEPT ON THE PROPERTY

Address of premises on which it is intended to keep the additional dogs (if different from above)			
Dogs name	Dogs ID number	Current tag number	Owner (if different from above)
Owner signature		Date	

OFFICE USE ONLY		
Fee paid	Receipt no	RFS enquiry no

Animal Services | 21 Meachen Street, Seaview, Lower Hutt 5010 | animals@huttcity.govt.nz
Hutt City Council | 531 High Street, Private Bag 31912, Lower Hutt 5040 | 04 570 6666 | huttcity.govt.nz
RSA-FORM-114F HCC | DOC/14/185976 | December 2013

Schedule Two

LICENCE TO KEEP ADDITIONAL DOG OR DOGS ON LAND OR PREMISES



Licence number

Pursuant to Clause 3 of the Hutt City Bylaw 2005 – Hutt City Council hereby licences the land or premises, described below for the purpose of keeping the dog(s), described below on the land or premises subject to the provisions of Part 4 of the Bylaw and the conditions contained in this licence.

Name of applicant for licence		
Address of land or premises on which the additional dog or dogs are permitted to be kept		
Dog name	Dog ID	Owner (if different from above)
Conditions of Licence		

Any change to the listed address or any addition to the dogs listed will require a new application.

Any breach of Conditions of Licence will result in this Licence being cancelled.

Licence granted by	Date
Regional Manager Animal Services	

Animal Services | 21 Meachen Street, Seaview, Lower Hutt 5010 | animals@huttcity.govt.nz
Hutt City Council | 531 High Street, Private Bag 31912, Lower Hutt 5040 | 04 570 6666 | huttcity.govt.nz
RBA-FORM-115L HCC | DOC/14/185978 | December 2013

Schedule Three



Commercial Dog Walking



Requirement	Evidence Required
Training and Assessment You must demonstrate required knowledge and be assessed by an Animal Control Officer.	Be assessed by an Animal Control Officer. This will cover knowledge of - Dog Control Act 1996 - Hutt City Council's Dog Control Bylaw - Hutt City Council's Dog Control Policy An Animal Control Officer will require a demonstration of the dog handlers ability to control and handle multiple dogs
Insurance and Application Public Liability Insurance	You need to supply HuttCity Council with a public liability insurance certificate and submit a Commercial Dog Walkers licence application along with the required fee.
Legal Compliance	You must not have been convicted or received an infringement under the following in the past year. • Dog Control Act 1996 • Animal Welfare Act 1999 • Hutt City Council Dog Control Bylaw 2015 You must not have received a substantiated complaint in the past year or been classified as a Probationary or Disqualified dog owner at any time.
Licence Renewal:	You need to renew your licence annually with Hutt City Council

Licence on request.	You are required to have your Commercial dogs walkers licence on your person and available on request by any Warranted Animal Control officer, when walking multiple dogs.
----------------------------	--

Licensee Details:

Full Name:	
Date of Birth:	
Name of Business	
Business Mobile:	Business Phone:
Business Email:	
Company Registration Number:	

Schedule Four

Dog prohibition areas and dog exercise areas

Introduction

The following areas were adopted by Council at its meeting on 31 July 2025 as either Dog Prohibition Areas, or Dog Exercise Areas. The file containing tables with descriptions relevant to each corresponding map that is indicative of the areas can be viewed [here](#).

1. Dog Prohibition Areas		
1.1	Eastbourne	
a.	The picnic and leisure areas of Point Howard where there are signs prohibiting dogs from 1 December to 31 March between 9.00am and 8.00pm	1.1a
b.	Sorrento Bay – Dogs prohibited at all times from the areas where there are signs: the foreshore and beach area of Sorrento Bay; from the Southern end of the rocky outcrop and running to the Northern end of the oystercatcher managed works zone	1.1b
c.	The picnic and leisure areas of Lowry Bay where there are signs prohibiting dogs from 1 December to 31 March between 9.00am and 8.00pm	1.1c
d.	Whiorau Reserve – Dogs prohibited at all times from the bird protection area as indicated by the signs	1.1d
e.	The picnic and leisure areas of York Bay where there are signs prohibiting dogs from 1 December to 31 March between 9.00am and 8.00pm	1.1e
f.	The picnic and leisure areas of Mahina Bay where there are signs prohibiting dogs from 1 December to 31 March between 9.00am and 8.00pm	1.1f
g.	The picnic and leisure areas of Sunshine Bay where there are signs prohibiting dogs from 1 December to 31 March. Between 9.00am and 8.00pm	1.1g
h.	That piece of land vested in Council at Marine Drive, Days Bay, being Lots 5, 6 and 7 Deposited Plan 1694, and being all of the land contained in Certificate of Title 498/171 (Wellington	1.1h

	Registry), more commonly known as the Days Bay Pumping Station Site and the Proposed Local Purpose Reserve (Wildlife Management)	
i.	The picnic and leisure areas of Days Bay where there are signs prohibiting dogs from 1 December and 31 March between 9.00am and 8.00pm	1.1i
j.	CL Bishop Park – Dogs prohibited at all times from the areas where there are signs: the foreshore and beach area of Rona Bay abutting Bishop Park bird protection area; and from the bird protection area	1.1j
k.	The picnic and leisure areas of Rona Bay where there are signs prohibiting dogs from 1 December and 31 March between 9.00am and 8.00pm	1.1k
l.	HW Shortt Recreation Ground – dogs to be prohibited at all times from the bird protection areas as indicated by the signs	1.1l
1.2	Petone	
a.	Petone Beach between Hikoikoi Reserve and the Petone Wharf from 1 December and 31 March between 9.00am and 8.00pm	1.2a
b.	Eastern section of McEwan Park	1.2b
c.	Memorial Park	1.2c
d.	Percy Scenic Reserve	1.2d
1.3	Epuni	
a.	Mitchell Park	1.3a
1.4	Avalon	
a.	Avalon Park Three-quarters of Avalon Park from the tree line to the north of the children's bicycle track through to the Park's southern boundary be specified as a dog prohibition area. However, a dog on a leash is permitted to walk along the pathway as designated on Map 1.4a and coloured as a broken yellow line. Dogs are also permitted on leash at the northern end of the park as designated in Map 1.4a	1.4a
1.5	Stokes Valley	
a.	Speldhurst Park	1.5a

1.6	Belmont	
a.	Belmont Recreation Reserve Southern end	1.6a
1.7	Seaview	
a.	The small, fenced section of Sunset Point where the bird protection area is located	1.7a

2. Dog Exercise Areas			
2.1	Stokes Valley	Entrances	Map
a.	Delaney Park (excluding sports surfaces)	George Street, Stokes Valley Road	2.1a
b.	Kamahi Park (excluding sports surfaces)	Stokes Valley Road	2.1b
2.2	Kelson		
a.	Kelson Reserve	Kelson Grove	2.2a
2.3	Belmont		
a.	Redvers Drive Reserve	Redvers Drive	2.3a
2.4	Naenae		
a.	Naenae Park (excluding sports surfaces)	Seddon Street, Naenae Road, Gibson Street, Waddington Drive, Rimu Street	2.4a
b.	Waddington Canal	Balgownie Grove, Waddington Drive, Hill Grove, Judd Crescent, Seddon Street	2.4b
2.5	Waiwhetu		
a.	Trafalgar Park (excluding sports surfaces)	Trafalgar Street, Brook Street	2.5a
b.	Te Whiti Park (excluding sports surfaces)	Whites Line East, Riverside Drive	2.5b
c.	Bell Park (excluding sports surfaces)	Bell Road, Douglas Street, Riverside Drive South	2.5c

2.6	Petone		
a.	Portion of Te Mome Stream east side from Bracken Street along rear of Wilford School to Petone Central Croquet Club right of way.	Bracken Street, Petone Central Croquet Club right of way	2.6a
b.	Sladden Park (excluding the children's playground and sports surfaces)	Bracken Street	2.6b
c.	Ava Park	Wakefield Street	2.6c
d.	Petone Recreation Ground (excluding children's playground and sports surfaces)	Buick Street	2.6d
e.	North Park (excluding sports surfaces)	Roxburgh Street	2.6e
f.	Petone Beach Area (west of Petone Wharf) – excluding Honiana Te Puni Reserve and Te Ara Tupua (shared path), as indicated in the map.	The Esplanade, Honiana Te Puni Reserve carpark	2.6f
g.	Petone Beach East	Marine Parade	2.6g
2.7	Korokoro		
a.	Frank Cameron Park	London Road	2.7a
2.8	Hutt Central		
a.	Hutt Recreation Ground (excluding sports surfaces)	Myrtle Street, Woburn Road, Bellevue Road	2.8a
2.9	Moera		
a.	York Park	York Street, Elizabeth Street	2.9a
2.10	Hutt Riverbanks		
a.	Eastern bank from Croft Grove to Tirangi Road, Moera	Croft Grove to Tirangi Road, Moera	2.10a

b.	Eastern bank from Barber Grove to Ava Rail Bridge, Moera	Barber Grove to Ava Rail Bridge, Moera	2.10b
c.	Eastern bank from Ava Rail Bridge to Ewen Bridge	Ava Rail Bridge to Ewen Bridge	2.10c
d.	Eastern bank from Ewen Bridge to Melling Bridge	Ewen Bridge to Melling Bridge	2.10d
e.	Eastern bank from Melling Bridge to Kennedy Good Bridge	Melling Bridge to Kennedy Good Bridge	2.10e
f.	Eastern bank from Kennedy Good Bridge to Stokes Valley	Kennedy Good Bridge to Stokes Valley	2.10f
g.	Eastern bank from Stokes Valley to Reynold Bach Drive	Stokes Valley to Reynold Bach Drive	2.10g
h.	Western bank from Manor Park Road to Benmore Crescent extension	Benmore Crescent, Western Hutt Road, Manor Park Road	2.10h
i.	Western bank north of Owen St, Belmont	Owen Street to the Northern end of the riverbank before the path narrows (opposite High Street at the Northern end of Taita Drive)	2.10i
j.	Western bank - Belmont Recreation Reserve, south of Owen St, Belmont	Owen Street	2.10j
k.	Western bank from Kennedy Good Bridge south to Melling Bridge	Kennedy Good Bridge, Melling Bridge	2.10k
l.	Western bank from Melling Bridge to Ewen Bridge	Melling Bridge, Ewen Bridge	2.10l
m.	Western bank from Ewen Bridge to Ava Park.	Ewen Bridge, Ava Park	2.10m
2.11 Wainuiomata			

a.	Leonard Wood Park (excluding the children's playground)	Wood Street, Willow Grove, Parenga Street	2.11a
b.	Wood Street Reserve	Wood Street	2.11b
c.	Burden Avenue Riverbank Reserve	Faulke Avenue, Main Road	2.11c
d.	Rotary Park	Main Road, Gibbs Crescent	2.11d
e.	Wainuiomata Riverbank	Main Road/Poole Crescent	2.11e
f.	The Eastern section of Richard Prouse Park (when not in use for sporting purposes), and outside the sports surfaces in the Western section	Hine Road	2.11f
g.	Hine Road Reserve	Hine Road	2.11g
h.	Black Creek	Nelson Crescent, Moohan Street	2.11h
i.	Pencarrow Hall Reserve	Tipperary Grove	2.11i
j.	Drainage Reserve between Norfolk Street and Nelson Street.	Norfolk Street, Nelson Street	2.11j
k.	Drainage Reserve between Mohaka Street and Momona Street	Parkway, Manutuke Street	2.11k
l.	Drainage Reserve between Parkway and Konini Street	Parking, Konini Street, Totara Street, Karamu Crescent	2.11l
m.	Drainage Reserve between Wainuiomata Road and Fraser Street	Fraser Street, Wainuiomata Road	2.11m
n	Karaka Park (excluding children's playground)	Karaka Street	2.11n
o.	Les Dalton Dog Park	Waiu Street	2.11o
2.12 Eastbourne			
a.	Muritai Beach/Robinson Bay, 200 metres south of the Rona Bay Wharf (Rata	HW Shortt Park, Maire Street, Marine Parade	2.12a

	Street) to Miro Street. This excludes the bird protection area that runs parallel to HW Shortt Recreation Ground.		
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3. Dog Exercise and Prohibition Areas

3.1	Eastbourne		
a.	Days Bay The area in Days Bay on the beach north of the wharf is – i) A Dog Exercise Area between 8.00pm and 9:00am from 1 December to 31 March every year; ii) A Dog Exercise Area at all times from 1 April to 30 November; and iii) A Dog Prohibition Area between 9.00am and 8.00pm from 1 December to 31 March every year.	Beach area to the North of Days Bay Wharf	<u>3.1a</u>

Dog Control Policy

Business unit(s)	Strategy and Policy, Legal, Animal Services		
Date adopted	31/07/2025		
Date effective	31/07/2025		
Review period	Ten years, or earlier if required		
Owner	Head of Strategy and Policy		
Approved by	Council		
Implementation	Animal services		
Monitoring/Evaluation	Animal services, Strategy and Policy		
Version	Author(s)	Date	Description
V 2.0	Sam White, Miranda Dunn, Duncan Pratt	31/07/2025	Legislatively required review
V 1.0	Graham Sewell	15/12/2015	Legislatively required review

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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:
- enter the premises to inspect; and
 - 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:
- 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
Working dogs as Stock dogs. Dogs that are kept principally for the purposes of herding or driving stock.	The following breeds are considered by Council to be used as stock dogs in the District: - Any "Collie" breed - Huntaway - Heading - Australian Cattle Dog - Kelpie - Sheepdog (Maremma) Any of the above crosses.
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.	
Working Dogs	Pest dog: Photo/copy/scan of the pest management plan under the Biosecurity Act 1993. 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 Government dogs: Photo/copy/scan of documentation from one of the following Government agencies: - 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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Animal Services Handbook

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1. Introduction

The Animal Services team ensures the community is kept safe and educated by enforcing the HCC Dog Bylaws and The Dog Control Act to ensure that dogs are kept as a positive part of Lower Hutt life by minimising the problems that dogs can cause and ensuring dogs are controlled and cared for appropriately.

Our Main Role is to provide animal control services for the community, specifically for dogs and livestock.

This work aligns with our Values.

Manaakitanga (showing you care)

Kotahitanga (being connected)

Rangatiratanga (having courage)



2. Animal Services Objectives

To provide a safe environment through education for dog owners and the community.

To work with our dog owning community and others with behavioral advice to ensure better dog ownership.

To undertake compliance and enforcement, remedial, and monitor activities concerning non-compliance with relevant legislation.

3. Team Communication

Meetings

Team meetings are held once a month with H&S as a standard agenda item. ACOs discuss operational matters, identify hazards, and plan actions. This is an opportunity for you to raise and discuss H&S concerns, review events or actions, and support the Health and Safety well-being of all staff members.

A management meeting is held every second week with H&S as a standard agenda item.

Significant hazards, near misses, and events, should be raised immediately with management, and follow standard processes which may include calling the NZ Police, entering the event in Assura, etc.

One-on-one catch ups are held regularly. This is an opportunity for you to check in with your manager/lead, and discuss your well-being, and any H&S concerns.

Communication

You will have access to Teams and all field officers have cell phones.

When working from home, the Team should be notified via Teams or email.

Complaints/inquiries are reported through [Report a problem](#) and Dynamics. Jobs are emailed throughout the day to ACOs. The location of ACO can be tracked via Eroad.

In the case of an emergency dial 111 for assistance.

You will be able to activate the '[SOS Emergency Call](#)' on your work cellphone. This allows you to contact 3 or 4 contacts to receive an SOS message in an emergency.

Officers attending complaints in remote areas must brief their Team leader or colleagues prior.

If there are safety concerns ACOs will Buddy up.

4. Staff Induction

1.1 Health and Safety Induction

HCC is committed to the safety, health, and well-being of our staff, contractors, and visitors. We outline our commitment to our [Health and Safety Policy](#) and our [Wellbeing Policy](#).

Our [Health and Safety Manual](#) outlines our approach to managing health and safety in the workplace.

A [health and safety staff induction](#) will be done on your first day and outlines key health and safety processes at Hutt City Council. E.g. Fire/Earthquake emergency procedures, using Assura.

Any staff in a leadership role will also be required to attend the leadership H&S induction. If they have not been invited, they should contact the H&S team.

Staff Wellbeing

To ensure the wellbeing of staff it is important that staff proactively look after their wellbeing, engage in mental health and wellbeing training or initiatives and have clear boundaries in place to ensure their safety and wellbeing. Boundaries include keeping relationships.

1.2 Role Induction

You will undergo formal induction into the role. The first week will see a new staff member carry out the role with a buddy, as well as some formal elements of induction to take place during the first month. This will also include attending the HCC Induction, as well as completing your health and safety induction as outlined above.

Teams, confirm, CI and Outlook functions – to support day to day tasks.

1.2.1 On role training

This will usually be done over a 3-6 month period with an ACO buddy.

The first week will primarily see the kennel officer and ACOs working in the animal shelter and 'shadowing' experienced staff to learn the role. This will focus on Animal Services processes in the kennels and provide an understanding of the hazards appropriate to their role and the controls to keep them safe.

1.2.2 Specific H&S Training

The following training is to support you within your role and is organized through the Health and Safety Team who you can contact via their email - healthandsafety@huttcity.govt.nz.

OPSEC – Situational Awareness Training - The workshop provides training on managing escalation, threats, abuse, and conflict in a workplace situation, whether face-to-face or over distance. This provides vital skills for frontline staff in order to uphold safety of self, colleagues, and the public. This workshop assists attendees to identify and acknowledge normal reactions, and how to maintain efficacy in stressful situations, with a focus on conflict management.

Good Yarn Training - Good Yarn is an evidence-based, mental health literacy program for workplaces that get people talking about mental health. The goal is to:

- increase awareness of signs and symptoms of common mental illnesses.
- build confidence in starting a conversation where you are concerned; and
- improve knowledge of where and how to get help.

First Aid and Fire Warden Training is available for those that are appointed into these roles.

	Admin Staff	Kennel Staff	ACOs
H&S Induction	Required	Required	Required
Situational Awareness	Required	Required	Required
GoodYarn	Required	Required	Required
First Aid	Representatives	Representatives	Required
Fire Warden	Representatives	Representatives	Representatives
Dog Handling		Required	Required
Buddy up out in the field training/ learning "the talk" to dog owners.			

1.3 Personal Protective Equipment

PPE is anything used or worn by a person (including clothing) to minimize risks to the person's health and safety. PPE (hard hats/gumboots/gloves/goggles/face masks/hand sanitizer/sunscreen lotion/ear protection) is available for use when required and needs to be collected from the office.

PPE is considered the least effective health and safety control, so should be used alongside processes and other controls to ensure the safety of the officer from various hazards encountered while undertaking their roles.

Managers/Team leaders will provide any specific PPE that is required for individuals.

Refer to PPE register Appendix 1.

1.3.1 PPE Pre-checks

Prior to use PPE should be checked to detect any problems, and to ensure the equipment fits and is appropriate for the role.

1.3.2 PPE Standard checks

PPE will be checked quarterly to check the standard of any equipment and detect any issues. Sub-standard equipment should be labelled to ensure no further use, and then be replaced and disposed of.

PPE quarterly checks should be reported on at the next Team Meeting.

1.4 Lone Working

You and other team members may often be required to work alone, which may see you isolated from assistance, or other appropriate help. To ensure the safety of staff, there are a number of ways we manage lone working including:

- Check the Flagged Property Register in Hutt view.
 - Properties classified as Orange require two officers to attend.
 - Red indicates the need to seek Police assistance before attending.
- Ensure your Outlook Calendar is populated with the appointment details, including the location.
- Advise your Lead/Manager of any after-hours work.
- For after-hours compliance visits, the Police may assist in getting officers safely home, or officers advise each other (or the Lead/Manager) once they have returned home.

1.5 Planning of jobs

ACOs must check the source property within the Flagged Property Register of Hutt View, (potentially aggressive persons) and the Hazards layer (Menacing and Dangerous Dogs) to see if the property is potentially hazardous. **A risk matrix approach should be used.**

- Known abuse by owner or associates
- Known criminal activity owner or associates
- Dog is already classed as dangerous or menacing
- Dog has prior complaints for attacks or rushing
- Remoteness of location
- Police advice of risk
- Know area of anti-social or anti local government
- Difficult access
- Flagged property in Hutt View
- Named property person in H&S meetings

- Poor lighting or other environmental risk

High risk jobs involving police require an offsite briefing

- Clarify purpose of inspection, relevant documents
- Roles of ACO, Police
- Outline expected plan
- Outline communication plan if situation escalates
- Plan exit strategy

1.6 E-Road

E-Road monitor is our system to safely monitor our work fleet, including vehicle location, acceleration, speed and braking. E-Road can support identifying where someone is working.

To ensure E-Road is effective by identifying where someone is working, it is vital that staff log on to the system when using HCC vehicles.

Management and Team Leaders can access E-Road where there is safety concern around someone's location.

1.7 Police and Emergency Services

In the event of an emergency, also call 111 to get Police/FENZ/Ambulance services.

1.8 Panic alarms

Roles / situations which require a lone worker to raise immediate support.

- Phone call not suitable due to immediate nature of threat
- Alert may need to be done discreetly

Response to a panic alarm

Immediate contact and support. Alerts to multiple people.

You will be able to activate the 'SOS Emergency Call' on your work cellphone. This allows you to contact 3 or 4 people to receive an SOS message in an emergency.

5. How to deal with antisocial or aggressive behaviour

Do not engage where someone is actively showing antisocial or aggressive behavior. Refer to the following information on dealing with antisocial or aggressive behavior in person, on the phone and via email.

In person

- Check property for dogs and animals
- Plan exit. Your vehicle is facing correct direction to drive away and not obstructed. Your vehicle is parked close enough to access quickly
- Chemical smells, blacked out windows, staining of drains (potential methamphetamine contamination)
- Knock on the door
- Take a couple steps back

- Be aware of an exit point (where possible, ensure this is available behind you)
- Avoid confined spaces with limited options to exit
- Use the three D's - distance, de-escalate, disengage
- Consider logging to Assura – discuss with Lead/Manager

On the phone

- Focus on what we CAN do for the customer, rather than what we CANNOT do
- Refer/escalate the customer to the Lead/Manager
- Advise the customer that you will discontinue the conversation if the abuse continues
- Politely discontinue the conversation
- Consider logging to Assura – discuss with Lead/Manager

Email or other online

- Focus on what we CAN do for the customer, rather than what we CANNOT do
- Refer/escalate the customer to the Lead/Manager
- Advise the customer that you will no longer reply to their correspondence, and refer all further correspondence to the Lead/Manager
- Consider logging to Assura – discuss with Lead/Manager

6. Driving

As part of the role officers will be required to drive HCC vehicles.

As part of your onboarding you will have been required to provide a copy of your driver's license that is kept on record to ensure all drivers are licensed to safely operate our vehicles.

You must read the [Fleet Policy](#) and [Car Users Guide](#) before using a Council vehicle.

All accidents (including vandalism, damage or other incidents) must be reported to Fleet@huttcity.govt.nz. They will give you advice on vehicle repairs and insurance claim forms. They must also be reported into our Health and Safety reporting system [Assura](#)

7. Fatigue

Fatigue is **a feeling of constant tiredness or weakness** and can be physical, mental or a combination of both. It can affect anyone, and most adults will experience fatigue at some point in their life.

It is therefore important for us to manage fatigue, and to take personal responsibility for ensuring we have enough rest and recovery to be fit for work. HCC also has a responsibility to ensure the work does not lead to fatigue, and that any fatigue is managed to ensure the safety, health and wellbeing of staff.

Animal Service staff work 40 hours a week, however, occasional additional or after hour work may occur. This should be managed and planned to minimize any risk of fatigue (as well as considering impact of lone workers), with staff able to take time in lieu.

After hours work must be discussed with your manager prior to work being completed. This is to consider any H&S requirements, and to discuss any impacts.

Here at Hutt City Council our commitment to flexible working is part of ensuring our environment and culture provides positive employee experience that enables our people to thrive.

Our approach to flexible work is broad, promoting a range of choices for our people so flexibility is accessible in some way by all, in balance with business needs.

Any flexible working arrangements being considered should be informed by our guiding principles:

- Fairness and equity
- Flexibility
- Trust and accountability.

We encourage people, leaders and staff to have open conversations and work collaboratively when exploring flexible working preferences and needs. Read our [Flexible Work Policy](#).

Another important way to manage fatigue and burnout is to ensure staff take a regular break during their workday, as well as scheduling Annual, Wellbeing or Birthday Leave. Managers should monitor and discuss leave balances with their staff to ensure they are getting appropriate time off.

We understand that staff taking time off may add extra pressure to other staff members if cover is required, however, planning and scheduling leave, as well as prioritizing work will assist to minimizing any impact. We encourage staff to discuss with their manager any concerns, as well as to prioritize and reallocate certain work.

8. We are also committed to injury and illness management and to establishing best practice and processes in the provision of rehabilitation support for employees who have sustained an injury or illness, this may include a disability. It is therefore vital that any work-related or non-work accidents and illnesses are notified your manager ASAP and follow any other appropriate reporting.
9. **Staff Wellbeing**
To ensure the wellbeing of staff it is important that staff proactively look after their wellbeing, engage in mental health and wellbeing training or initiatives and have clear boundaries in place to ensure their safety and wellbeing. Boundaries include keeping relationships

10. **Operational Equipment and Standard Checks**

This section outlines the key operational equipment and Personal Protective Equipment (PPE) that is used by the Animal Services staff. It details the purpose of the equipment, as well as how to be safely used, and any standard checks.

Quarterly standard checks ensure equipment is maintained and kept up to a standard that ensures it is fit for purpose to meet its required use. Where equipment is not regularly checked, it can lead to it failing when required, which can create a safety issue.

1.9 Body Worn Cameras



Body worn cameras are to be worn at all times when in the public carrying out Animal Control Duties

1. The camera must be activated prior to any interaction with the public in these situations
 - a. Seizing dogs – planned
 - b. Seizing dogs – unplanned
 - c. Visiting private addresses in regard to investigation an offence under the Dog Control Act
 - d. Approaching any person in a public space to investigate an offence under Hutt City Council Animal Control By-laws
 - e. Conducting a property inspection in regard to classifying dogs as menacing, dangerous or a probationary owner
 - f. Documenting dog behavior in regard to any classification
 - g. All activities carried out with Police attendance or SPCA Officers
2. Cameras do not have to be turned on but can be for.
 - a. Interviews with complainants held at HCC offices
 - b. Interviews with dog owners under investigation, held at HCC Offices
The person being interviewed must be informed prior to recording.
3. Officers need to take reasonable care of their cameras and ensure they are charged and any faults reported promptly. Any cameras lost must be reported immediately

Officers must read and comply with the **Hutt City Council CCTV and Wearable Video Camera guide.**
[CCTV and Wearable Camera Guideline.PDF](#)

1.10 Catch Pole



1.10.1 Purpose of Catch Pole or Rope

Catch Poles are mainly used to secure an uncontrolled animal such as aggressive dogs.

1.10.2 How to use a Catch Rope

1. Hold grip with one hand and with the free hand pull back on the release knob (2) allowing the cable (13) to slowly slide forward through the palm and fingers. (Releasing too quickly can result in a whipping action from the cable.)
2. Place the cable loop over the animal's head or the accessible area.
3. Pull hand loop (1) to tighten the cable loop around the animal. The cable will automatically lock.
4. To release the animal, pull back on the release knob (2). For best results do not pull away from the animal while trying to release

1.11 Bite Stick



1.11.1 Purpose of Bite Stick

Dog Bite Sticks are designed to be used as personal protective equipment (PPE) to prevent the occurrence of injuries from an aggressive animal. The purpose of the device is to keep an aggressive animal at a safe distance while the person gets to safety.

1.11.2 Standard checks

Regular visual checks and test extension / retraction.

1.12 Animal Shield

1.12.1 Purpose of Animal Shield

Animal shield is used to create a barrier to prevent a dog making contact with a person.



1.12.2 Standard checks

Regular visual checks

1.13 Muzzles

1.13.1 Purpose of Muzzles is to disable jaw movement to prevent a biting action from a dog.



1.13.2 Standard checks

Regular visual checks

1.14 Leads

1.14.1 Purpose of Leads to secure a dog.



Leashes – Slip Leads

Shelter Tek Leash

Animal Control Lead

1.14.2 Standard checks

Regular visual checks

1.15 Pet Corrector

1.15.1 Purpose of Pet Corrector

Pet corrector or similar equipment (for example fire extinguishers) are used to.... Divert the attention and deter the approach of a dog.



Pet Corrector

1.15.2 Standard checks

Discard when empty

1.16 Animal Pen signage

1.16.1 Purpose of Animal Pen signage is to alert of a potential hazard when handling a dog and to take safety precautions with safety equipment provided.

1.16.2 Standard checks

Regular visual checks

11. Animal Handling

1.17 Body language of dogs

The most common body language signs and what they mean:

Tail wagging

A wagging tail is such a happy sight! It's usually a sign that your dog is feeling joyful and excited. But it's essential to keep in mind that the dog's tail position and the speed and intensity of the wag can give you more insight into your dog's emotional state. For example, a low, slow and relaxed wag may mean they feel content and at ease, while a quick and vigorous wag of a tail held high may signal excitement.

Ear position

A dog's ears can tell you a lot about how they are feeling. If their ears are perked up and facing forward, it suggests they're interested or alert. On the other hand, ears that are flat against the head could be a sign of anxiety or a fearful dog. And if their ears are tightly pinned back, giving them some space might be a good idea as it could indicate discomfort or even potential aggression.

Just remember, it can be trickier to interpret the signals in certain breeds, like those with floppy ears. Still, with a bit of practice, you should be able to read their ear language in no time!

Facial expressions

Like us, a dog's facial expressions can be so telling! A happy dog often has a relaxed face with soft eyes, while a dog that is feeling tense or anxious might furrow their brow and have hard, staring eyes. Keep in mind that some breeds, like black dogs and those with flat faces, have facial features that are sometimes a bit harder to read, but once you know what you're looking for, you'll soon get the hang of canine communication.

Body posture

Your dog's body language is like a window into their soul. A relaxed and happy dog will have a loose and wiggly body with a wagging tail and may even invite you to play with a raised bottom and a high wagging tail (also known as a play bow!). In contrast, a dog with a tense body raised hackles (piloerection) or other signs of discomfort may need extra space and attention.

It's always a good idea to look at your dog's 'whole-body language', rather than just focusing on one aspect to get an overall sense of how they are feeling. However, with time and practice interpreting every head cock, ear twitch and tail wag will become second nature!

1.18 How to approach dog

When understanding a dog's behavior and body language, it's important to consider the specific situation and what's normal for a dog. The behavior shown by your dog when they feel uncomfortable can look similar to when they're relaxed – for example, rolling onto their back could

mean the dog is telling you that they're uncomfortable or trying to diffuse a situation, not that they would like a belly rub.

By understanding the context of a dog's behavior, you can choose how to approach a dog.

1.19 How to handle dogs

Every dog has a different way of responding to people. Just like us humans, some dogs are more extroverted, while others can be shy and nervous.

Sometimes it's easy for us to see cute dogs and immediately want to touch them. However, some dogs may be worried about new people, so making sure we're interacting with them in a way that's calm and positive is really important.

Some dogs may be nervous or over-excited. Whether the dog is off or on-lead, it's important to take caution when approaching a dog.

Don't stare, shout at, or loom over a dog – all these things can seem confrontational to a dog, which might cause them to react or be afraid. Approach side on in a calm, gentle manner.

If when you're approaching a dog, they start to turn away or look tense, it's very likely that they are not comfortable having you in their space. It's best to stop if the dog displays any signs that they're uncomfortable.

To approach a dog appropriately:

If it's a small dog crouch down to the dog's level. Always have one foot flat on the ground so you're able to quickly get up if needed.

For a larger dog approach side on with your hands by your side and encourage the dog towards you if they are comfortable

At this point, some dogs may become over-excited and might jump up, invade your personal space and lick you. The best thing to do is remain calm and stand up.

If the dog continues to jump up, then turn away and fold your arms. By doing this, you become boring to the dog and it'll be easier for the owner to collect them or calm them down.

Allow the dog to approach and sniff your hand without reaching your hand out to them. If the dog is comfortable being in your space and showing relaxed body language, you can try to stroke them.

Gently reach out with the back of your hand and stroke the dog's shoulders, chest or under their chin, which most dogs enjoy.

Never go over a dog's headfirst, as they cannot see your hand and may feel intimidated by this. Dogs also don't appreciate hugging as this is quite restrictive, and it feels like they can't get away.

1.20 Techniques for opening and shutting pens

Safe placement of dogs in outside exercise areas

Safe lifting, securing and transportation of dogs in vehicles

1.21 Euthanizing

It is best practiced for the animal to be sedated prior to euthanizing.

This can occur onsite, or at the local vet, with 2 ACO's to assist with safe handling, and wherever possible, utilization of a muzzle, or mechanism for restraining the dog.

1.22 Microchipping Dogs

Practice safe techniques for micro chipping. All dogs must be muzzled.

Admin staff are to microchip dogs when the owner has full control of the dog. This effectively means that the admin staff should not have to restrain or control the dog to do the microchipping.

Any dog not able to be controlled by its owner will require an ACO to attend. Admin staff can also call for support from an ACO for very large or excitable dogs.

12. Standard Operating Procedures

Council is responsible for responding to reports of roaming animals, wandering stock, animal noise, dogs attacking people or animals or dogs defecating in a public area. These are reported through the call center and are then sent to the Animal Services team for response.

1.23 Responding to Lost Dog

Call the dog owner and ask them where and when the dog was last seen.

Ask a description of the dog and if possible, obtain a photo of the dog.

Ask the dog owner to contact the SPCA, HUHANS, and local vets.

When possible, patrol the area that the dog was last seen

1.24 Responding to Barking

Upon receipt of your complaint asked the complainant to keep a record noting the date, time and length of each barking incident.

Asked the caller to identify whether the animal is distressed (referred to the SPCA as a welfare issue) or being a nuisance and where the nuisance barking is originating from.

Armed with this information, Dog Control may:

Send an officer onsite to assess the situation.

Notify the owner that their dog has a complaint against it.

Provide written feedback to the complainant.

If there is no improvement after Dog Control's investigation, and a separate complaint is reported against the same dog, the Council will then take the necessary steps to try to resolve the problem.

1.25 Responding to secure pickup

Always approach the dog with caution keeping point 9 above in mind

1.26 Responding to Animal Attack

As there are more and more dogs in New Zealand, there are more attacks reported to local Council Dog Control Departments.

The attacks reported to Councils are investigated by Dog Control Officers. If the attack is of such a serious nature, the Police may investigate.

Dog Control Officers will interview all parties to the event, the victim, the offending dog owner, witnesses and the treating veterinarian in the case of an attack against an animal.

At the conclusion of their investigation, Dog Control Officers have several options open to them under the Dog Control Act 1996. These include, but are not limited to, issuing a warning to the offender, issuing an infringement for not being under control/rushing etc., classifying the offending dog as menacing or dangerous or in serious incidents, prosecuting the owner (or person in charge) of the offending dog.

The owner of a dog that makes an attack commits an offence and is liable on conviction to a fine not exceeding \$3,000 in addition to any liability that they may incur for any damage caused by the attack.

If the Court is satisfied that the dog has committed an attack and that 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.

The owner of any dog that attacks any person or any protected wildlife and causes serious injury to any person or the death of any protected wildlife or 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. 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.

1.27 Responding to dangerous animal

Always approach the dog with caution keeping point 10.1 to 10.3 above in mind

1.28 Responding to stock at large

Always approach stock with caution and be aware of the surrounding traffic hazards

1.29 Responding to animal in traffic

Always approach the dog with caution keeping point 10.1 to 10.3 above in mind and be aware of the surrounding traffic hazards

Hi VIS, must be worn.

Consider ring Police 105 or *555 to inform them of the hazard.

1.30 **Responding to welfare call for not providing food, water, shelter within 24 hours. Beatings and wilful ill-treatment is covered by SPCA legislation.**

Always approach the dog with caution keeping point 10.1 to 10.3 above in mind and be aware of the surrounding traffic hazards

13. How to deal with antisocial or aggressive behavior

Do not engage where someone is actively showing antisocial or aggressive behavior. Refer to the following information on dealing with antisocial or aggressive behavior in person, on the phone and via email.

In person

- Check property for dogs, animals,
- Chemical smells
- Knock on the door
- Take a couple steps back
- Be aware of an exit point (where possible, ensure this is available behind you)
- Use the three D's - distance, de-escalate, disengage
- Consider logging to Assura – discuss with Lead/Manager

On the phone

- Focus on what we CAN do for the customer, rather than what we CANNOT do
- Refer/escalate the customer to the Lead/Manager
- Advise the customer that you will discontinue the conversation if the abuse continues
- Politely discontinue the conversation
- Consider logging to Assura – discuss with Lead/Manager

Email or other online

- Focus on what we CAN do for the customer, rather than what we CANNOT do
- Refer/escalate the customer to the Lead/Manager
- Advise the customer that you will no longer reply to their correspondence, and refer all further correspondence to the Lead/Manager
- Consider logging to Assura – discuss with Lead/Manager

14. Lone Working

Animal Service team members are often required to work alone, and may be isolated from assistance from staff, or other appropriate help. To ensure the safety of staff, there are a number of ways we manage lone work including:

Look for any alerts on HuttView

Look for any history on confirm

Print off map to view access points

Buddy up and/or call for police assistance if there are known risks

Ensure safety equipment is available

When working alone in kennels or on Saturdays, wear a duress panic button

Kennel Officer (or staff performing kennel duties)

Wear duress panic alarm

Checks in with manager / staff at start of shift / breaks

1.31 Planning of jobs

A list of jobs is sent to all ACOs. This provides transparency with where staff are working and what they are doing.

1.32 E-Road

E-Road monitor is our system to safely monitor our work fleet, including vehicle location, acceleration, speed and breaking. E-Road can support identifying where someone is working.

1.33 Front Counter Customer Enquires

Staff are to stay behind protective screens if they are working alone.

A lone staff member is to call for support from other Admin staff for Team leader Admin for argumentative, aggressive customers

Admin staff are not to handle dogs (* other than microchipping). An ACO is to be contacted to assess and handle all dogs

The panic alarm to be used if Admin staff member feels at any time, they are under threat whether from a dog or person.

Public enquiries outside of normal public hours can only be attended if two staff are available.

1.34 Cellphones

ACO's are to have their HCC cellphones on them during working hours. The volume must be turned up so they can hear calls when outside.

Emergency call function on phones. Press power 4 times to send instant messages to 4 colleagues

1.35 Police and Emergency Services

Call 111 for assistance

15. Staff dogs at the shelter

Dogs must always be on a leash, unless in the exercise area with the staff members and only when there aren't any impounded dogs in the same area.

If the dogs bark at each other, the staff member must remove their dog out of the exercise area as impounded dogs get priority at the shelter.

Staff members' dogs must be in the staff pens, at all times and cannot be left unattended in the exercise or run areas.

RELEASED UNDER THE LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

Appendix 1. PPE Register

Item	Position	Description use	Servicing / check
Body worn Camera	ACO	De-escalation tool	Annual
Stab proof vest	ACO	Injury prevention	Annual
Bite stick	ACO / Shelter Officer	Distance tool for aggressive dog	Quarterly
Catch pole	ACO / Shelter Officer	Handling aggressive dogs	Quarterly
Leads	ACO / Shelter Officer	Handling all dogs	Quarterly
Hi- vis jacket	ACO	Poor lighting and or near roads	Quarterly
Muzzles (various)	ACO / Shelter Officer	Handling aggressive dogs	Annually
Shields	ACO	Dog	Annual
First aid Kit	ACO / Admin/ Shelter Officer	First aid	Annually / or if used
Boots	ACO / Admin/ Shelter Officer	Bite / slip / physical	Annually / signs of wear
Mask	ACO / Shelter Officer	Odours / dust / pepper spray.	Annual
Disposable body overalls	ACO / Shelter Officer	Dirt / faeces / pepper spray droplets / infection control	Annual
Pet corrector	ACO / Shelter Officer	Dog diversion	Annual
Wet Weather jacket / overalls	ACO / Shelter Officer	Extreme weather	Annually / signs of wear
Standard uniform	ACO / Shelter Officer	Environment protection	Annually / signs of wear
Sunblock	ACO / Shelter Officer	Working outdoors / in shelter runs	As needed. Replaced Annually
PVC gloves	ACO / Admin/ Shelter Officer	Dirt / faeces / Infection control	Annually
Earmuffs / plugs	ACO / Admin/ Shelter Officer	Barking in shelter	Annually

Appeal	Considerations	Possible Actions
Hardship considerations. (H)	medical cert	Payment plan for rego
	passing of family	Infringement could be waived
	redundancy	debt collection could be deferred
	Prior compliance	
Non payment with prior years of non compliance (N)	Willingness to engage	Infringement to be paid
		Current registration season to be paid in full
		Payment plan for past registration fees
		prior years by agreement if a substantial proportion of outstanding debt is paid. No
Non payment with first year of non-compliance (N1)	Willingness to engage	A payment plan set up
		Infringement could be waived or deferred
		A clean slate approach and no exemptions for future years
Partial payment / past non compliance (NP)	Willingness to engage	
	Payments needs to be sufficient to pay off before next rego season	A payment plan resumed or set up
	At least 50% of debt needs to have been paid off	Infringement could be waived or deferred
	Pattern of payment. No more than 3 months of no payments	A clean slate approach and no exemptions for future years
Procedural error (P)	Wrong registered owner	Infringement for current year waived
	Wrong dog, or other incorrect information	Correct dog owner identified
	Dog has moved , deceased	Infringement for current year waived
	Reminder letters not sent	debt is still owed and future infringements can be applied
	Debt no logged correctly with debt collection	
	debt still due and future infringements can be applied	

Administration for hearing

The **Democratic Services team** receives advice from the **Animal Control team** that an objection to a dog classification has been received and that a hearing is required.

The **Democratic Services team**, in consultation with the Chair of the Infrastructure and Regulatory Committee (IRC), determines a date and membership for a Hearing Subcommittee when the Council Chambers are available, at least four weeks in the future.

*The Chair of IRC has delegated authority to set a hearing and
 The IRC has delegated authority to conduct statutory hearings on regulatory matters and to make decisions on those hearings.*

Once a date for the Hearing Subcommittee has been confirmed with the members, the **Democratic Services team** will notify the **Animal Control team**.

The dog owner and complainant(s) are also notified by the **Democratic Services team** if contact details have been provided by the **Animal Control team**. If not, the **Animal Control team** is asked to notify the dog owner and complainant(s).

The **Animal Control team** will prepare the report in Infocouncil and include all relevant evidence required for the Hearing Subcommittee to consider the objection.

The **Democratic Services team** will circulate the Hearing Subcommittee agenda at least four clear working days before the hearing (as required under HCC Standing Order 10.10) to the Subcommittee members, **Animal Control team**, dog owner, and complainant(s).

If the **Democratic Services team** does not hold the contact details, the **Animal Control team** will be asked to send a copy of the agenda to the relevant parties.

RELEASED UNDER THE LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

Presentation of Evidence at Hearing

Order
The Animal Control team will address the subcommittee and answer any questions that the subcommittee members may have
The Animal Control team will call any witnesses to make statements, and subcommittee members may ask the witnesses questions
No cross-examination by the dog owner is permitted
The dog owner will address the subcommittee and answer any questions that the subcommittee members may have
The dog owner will call any witnesses to make statements, and subcommittee members may ask the witnesses questions
No cross-examination by the Animal Control team is permitted
The Animal Control team will have the opportunity to respond to the dog owner's case. No further questions are allowed
The dog owner will have the opportunity to respond to the Animal Control team's case. No further questions are allowed

Decision to Classify a Dog as Dangerous

Section 31 of the Dog Control Act 1996

Name of Dog	Click or tap here to enter text.
Name of Owner	Click or tap here to enter text.
Address	Click or tap here to enter text.
Date of Incident	Click or tap here to enter text.
Decision Date	Click or tap here to enter text.

Summary of Incident

Click or tap here to enter text.

Findings

Click or tap here to enter text.

Assessment of Risk to Public Safety

Click or tap here to enter text.

Decision

Click or tap here to enter text.

Decision to Classify a Dog as Menacing

Section 33A(1)(b) of the Dog Control Act 1996

Name of Dog	Click or tap here to enter text.
Name of Owner	Click or tap here to enter text.
Address	Click or tap here to enter text.
Date of Incident	Click or tap here to enter text.
Decision Date	Click or tap here to enter text.

Summary of Incident

Click or tap here to enter text.

Findings

Click or tap here to enter text.

Assessment of Risk to Public Safety

Click or tap here to enter text.

Decision

Click or tap here to enter text.

NOTICE OF CLASSIFICATION OF A DOG AS A DANGEROUS DOG

Section 31, Dog Control Act 1996

Section 36A, Dog Control Amendment Act 2003

To	
Address	
Name of dog	Animal ID/SR
Registration number	Microchip number
Colour	Sex
	Breed

This is to notify you* that **this** dog has been classified as a dangerous dog under section 31(1)(c) of the Dog Control Act 1996.

This is because, under section 31(c) of the Dog Control Act 1996, Hutt City Council has on the basis that the dog owner of the dog admits in writing that this dog constitutes a threat to the safety of any **person**, stock, poultry, **domestic animal** or protected wildlife.

This is because.....

A summary of the effect of the classification attached.

Dog Control Officer	Date
---------------------	------

*For the purposes of the Dog Control Act 1996, you are the owner of a dog if–

- You own the dog; or
- You have the dog in your possession (otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, or damage, or distress, or for the sole purpose of restoring a lost dog to its owner); or
- You are the parent or guardian of a person under 16 who is the owner of the dog and who is a member of your household living with and dependent on you

EFFECT OF CLASSIFICATION AS A DANGEROUS DOG

Section 32 and 36, Dog Control Act 1996

You are required:

- a. Within one month after receipt of this notice, to ensure that the dog is kept within a securely fenced portion of your property that it is not necessary to enter to obtain access to at least one door of any dwelling on the property; **and**
- b. Not to allow the dog to be at large or in any public place or in any private way (other than when confined completely within a vehicle or cage),
 - i. without the dog being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction; **and**
 - ii. the dog being controlled on a leash (except in a designated dog exercise area); **and**
- c. To produce to the Council, within one month after receipt of this notice, a certificate issued by a registered veterinary surgeon 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. Where a certificate under paragraph (c)(ii) is produced to the Council, to produce to the Council within one month after the date specified in that certificate, a further certificate under paragraph (c)(i); **and**
- e. In respect of every registration year commencing after receipt of this notice, to pay 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. Not to dispose of the dog to any other person, without the written consent of the Council in whose district the dog is to be kept.

You will commit an offence and be liable on conviction to a fine not exceeding \$3000 if you fail to comply with any of the matters in paragraphs (a) to (f) above. In addition, on conviction, the Court must order the destruction of the dog unless satisfied that the circumstances of the offence were exceptional and do not justify the destruction of the dog.

You will also commit an offence and be liable on conviction to a fine not exceeding \$3,000 if you sell or otherwise transfer the dog, or offer to do so, to any other person without disclosing that the dog is classified as a dangerous dog.

Full details of the effect of classification as a dangerous dog are provided in the Dog Control Act.

PROHIBITED, DANGEROUS, AND MENACING DOGS

Section 36B, Dog Control Amendment Act 2003

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.
- ...
- (5) The owner must comply with subsection (2)—
 - (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.

NOTICE OF RETENTION OF DOG/S THREATENING PUBLIC SAFETY

Section 71, Dog Control Act 1996



To Dog Owner		
Address		
Date		
Dog name	Dog ID/SR	Impound number
Colour	Breed	Sex

This is to notify you that this dog will be retained in custody under section 71(2) of the Dog Control Act 1996 pending the conclusion of the prosecution against you for an offence under sections 57(2) of the Act.

The Council believes that the release of the dog would threaten public safety.

You may apply at any time to the Council for the release of the dog.

If the Council is satisfied that the release of the dog will not threaten the safety of any person, stock, poultry, domestic pet or protected wildlife, the dog will be returned.

You have a right of appeal to the District Court against a refusal to return the dog.

You may be required to pay fees for the sustenance of the dog while in custody before it will be released.

If any fees are not paid, within seven (7) days of the receipt by the owner of written notice, the Council may dispose of the dog by means of sale, destruction, or otherwise and that disposal will not relieve you of liability for payment of the fees.

Dog Control Officer	Date
---------------------	------

NOTICE OF DISQUALIFICATION FROM DOG OWNERSHIP

Section 25, Dog Control Act 1996

To dog owner	Person ID/SR
Address	
Date	

This is to notify you that you have been disqualified under section 25 of the Dog Control Act 1996 from owning any dog from the date of this notice.

This follows—

- ☐ Your conviction, while a probationary owner, for *(details of offences referred to in section 25(1)(b) or (c))*, being

--

or

- ☐ Three or more infringement offences *(not relating to a single incident or occasion)* having been committed by you within a continuous period of 24 months—

--

The disqualification will apply from insert date of third or more infringement offence, or date of offence until insert date under section 25(4), unless earlier terminated by Council.

A summary of the effect of the disqualification and your right to object is attached.

Dog Control Officer	Date
---------------------	------

EFFECT OF DISQUALIFICATION

Section 28, Dog Control Act 1996

You are required to dispose of every dog owned by you within 14 days of the date of this notice.

However, you may not dispose of a dog:

- To any person who resides at the same address as you; or
- In a way that constitutes an offence against the Dog Control Act 1996 or any other Act

You must not become the owner, even on a temporary basis, of any dog while you are disqualified.*

You will commit an offence and be liable on conviction to a fine not exceeding \$3000 if you:

- Fail to dispose of every dog owned by you within 14 days of this notice; or
- At any time while disqualified, become the owner of any dog
- If you are convicted of the first or second of these offences, your period of disqualification may be further extended
- Dispose of any such dog to any person who resides at the same address as you or dispose of any such dog in a manner that constitutes an offence against the Dog Control Act 1996 or any other Act; or

You will commit an offence and be liable on conviction to a fine not exceeding \$3000 if you dispose or give custody or possession of a dog to a person, knowing that person to be disqualified from ownership under section 25 of the Dog Control Act 1996.

Full details of the effect of disqualification are provided in the Dog Control Act 1996.

RIGHT OF OBJECTION TO DISQUALIFICATION

Section 26, Dog Control Act 1996

You may object to the disqualification by lodging with either the Council a written notice setting out the grounds on which you object. You are entitled to be heard in support of your objection and will be notified of the time and place when your objection will be heard. No objection can be lodged within 12 months of the hearing of any previous objection to the disqualification. If an objection is lodged within 14 days after the date of this notice, the requirement to dispose of every dog owned by you will be suspended until Council has determined the objection.

There is a further right of appeal to a District Court if you are dissatisfied with the decision of the Council on your objection.

*You may have possession of a dog only for the purpose of—

- Preventing it from causing injury, damage, or distress; or
- Returning, within 72 hours, a lost dog to the Council for the purpose of restoring the dog to its owner

DOG SEIZED FOR THREATENING PUBLIC SAFETY, ATTACKING AND/OR CHALLENGING

The Process

1. INCIDENT REPORTED

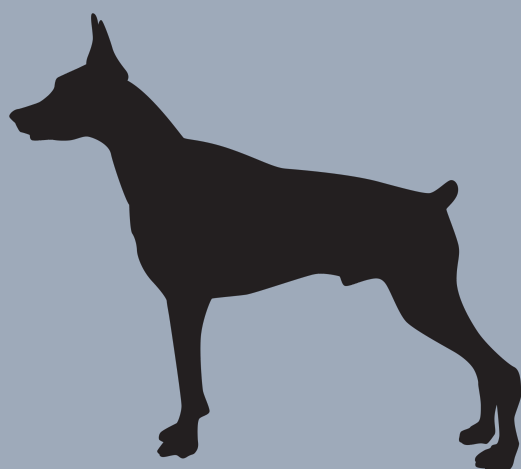
If an incident of aggressive nature is alleged, it is Hutt City Council's priority to ensure public safety. This may involve removing the dog from the property to reduce the risk to people and animals while the incident is investigated.



2. DOG SEIZED

When your dog has been impounded, the Animal Control Officer (ACO) will give you a seizure notice which will detail:

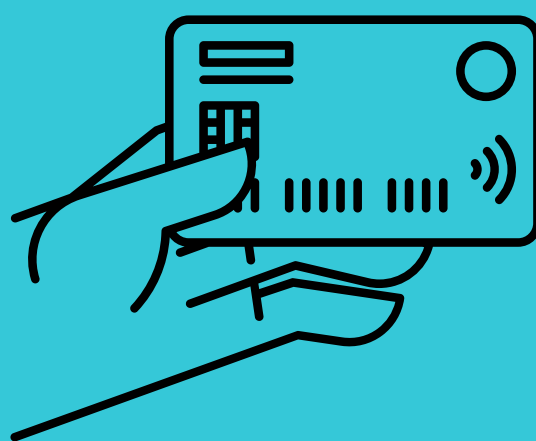
- The reason your dog was removed
- The shelter your dog has been taken to, and their contact details
- The date and time you have to claim your dog by.
- The fees owing



3. CLAIMING A DOG

You must go to the shelter and pay all fees owing by the date specified on the seizure notice.

Once you have claimed your dog and paid all applicable fees you may be given a section 71 letter if the investigation is ongoing. This letter advises that the dog may be retained under the Section 71(2) of the Dog Control Act 1996, pending the conclusion of an investigation. If the incident is considered serious, HCC may decide to prosecute the dog owner or person in charge of the dog.



4. APPLYING FOR RELEASE

You may apply to get your dog released back to you by writing an email addressed to the investigating ACO. You must give reasons why the dog should be released and give an explanation of how you will prevent your dog from attacking or being perceived to be threatening again e.g. fix gates, make them higher, padlock gates, etc.



ANIMAL SERVICES
 21 MEACHEN STREET
 TELEPHONE: 04 570 6666

5. APPLICATION FOR RELEASE IS ASSESSED

An ACO will visit your property to inspect that it is safe, and the dog can be appropriately confined. They will advise you if further work is required to improve the chances of your dog being released. HCC will then take the property inspection, as well as the history of the dog and dog owner into account when making a decision regarding the risk to the public or property if the dog were to be released.

6A. RELEASE APPROVED

If release is approved you will be given a conditions of release letter. This letter will state the conditions that must be upheld in order for the dog to return to your property. If you fail to adhere to the conditions of release your dog will be seized impounded again.

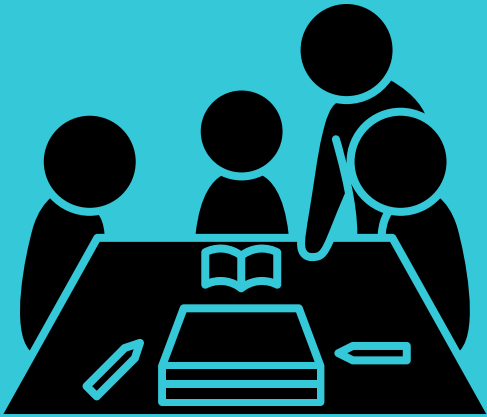
6B. RELEASE DECLINED

If HCC declines your application for release of the dog, it will stay in the shelter until the investigation/prosecution has been finalised. You can appeal the decision. You will need to pay the daily sustenance fees associated with your dog.

YOU MUST GO TO THE SHELTER AND PAY ANY REMAINING FEES OWING, SUCH AS THE DAILY SUSTENANCE FEES FOR LOOKING AFTER YOUR DOG, AND CONFIRM ACCEPTANCE OF THE CONDITIONS OF RELEASE, THEN YOUR DOG CAN RETURN HOME WITH YOU.

7. INVESTIGATION OUTCOME

File continues to be investigated and reviewed by the ACO and legal team for appropriate action, and the ACO or legal team will keep you informed of progress.



Contact:

Animal Services
04 570 6666
HCC.AnimalControl@Huttcity.govt.nz
21 Meachen Street, Seaview

PROCESS FOR:
**DOG SEIZED FOR AGGRESSIVE BEHAVIOUR,
ATTACKING OR CHALLENGING**



NOTICE OF CLASSIFICATION AS A PROBATIONARY DOG OWNER

Section 21, Dog Control Act 1996

To
Address

This is to notify you that you have been classified as a probationary owner under section 21 of the Dog Control Act 1996.

This follows:

- Your conviction for *(details of offences referred to in section 21(1), being*
- or
- Three or more infringement offences (not relating to a single incident or occasion) having been committed by you within a continuous period of 24 months.

The classification will apply from <date under section 23(1)> unless earlier terminated by the Council.

A summary of the effect of the classification and your right to object is attached.

Dog Control Officer	Date
---------------------	------

EFFECT OF CLASSIFICATION AS PROBATIONARY OWNER

Sections 23, 23A and 24, Dog Control Act 1996

During the classification period, you may not become the registered owner of any dog which is not presently registered by you.

You are required within 14 days of the date of this notice to dispose of every unregistered dog owned by you.

You may be required to undertake, at your own expense, a dog owner education programme or a dog obedience course (or both) approved by the Council. You will commit an offence and be liable on conviction to a fine not exceeding \$3000 if you do not comply with this requirement.

You will also commit an offence and be liable on conviction to a fine not exceeding \$3000 if you –

- Fail to dispose of every dog owned by you within 14 days of this notice; or
- At any time while classified as a probationary owner, become the owner of any dog (unless you were the owner of the dog on the date of the offence or on the date of the third infringement offence in respect of which the classification as a probationary owner was made); or
- Dispose or give custody or possession of any dog to any person, if you know that the person is disqualified from being a dog owner.

Full details of the effect of classification as a probationary owner are provided in the Dog Control Act 1996.

DISQUALIFICATION OF PROBATIONARY OWNER FROM DOG OWNERSHIP

Sections 25 and 28, Dog Control Act 1996

If, while classified as a probationary owner, you commit certain offences relating to dog control or cruelty to dogs, you may be disqualified from owning any dog for a period of up to five years.

This could occur if, as a probationary owner, you:

- Are convicted of any offence (other than an infringement offence) under the Dog Control Act 1996; or
- Are convicted of an offence of cruelty to any dog under the Animals Protection Act 1960; or
- Are convicted of an offence under the Conservation Act 1987 or the National Parks Act 1980 in relation to dogs on conservation land or in a national park; or
- Commit two infringement offences under the Dog Control Act 1996.

If disqualified, you will be required to dispose of every dog owned (and not to any person residing at the same address), and will not be permitted to own or have possession, even temporarily, of any dog during the disqualification period.

RIGHT OF OBJECTION

Section 22, Dog Control Act 1996

You may object to classification as a probationary owner by lodging a written objection with the Council setting out the grounds on which you object. You are entitled to be heard in support of the objection and will be notified of the time and place when your objection will be heard. No objection can be lodged within 12 months of the hearing of any previous objection to the same classification. If an objection is lodged within 14 days after the date of this notice, the requirement to dispose of every unregistered dog owned by you will be suspended until the territorial authority has determined the objection.



NOTICE OF INTENTION TO DISPOSE OF A SEIZED DOG UNDER SECTION 33EC OF THE DOG CONTROL ACT 1996

Dog Control Act 1996

Section 71A

To Dog Owner		
Address		
Date		
Dog name	Dog ID/SR	Impound number
Colour	Breed	Sex

Microchip number

Your dog named NAME was seized under section 32EC of the Dog Control Act 1996 on DATE and is currently in the custody of the Hutt City Council, Animal Services at 21 Meachen Street, Seaview.

This is to notify you that Hutt City Council is not satisfied that you the dog owner have demonstrated a willingness to comply with section 33E(1)(a) of the Dog Control Act 1996.

On DATE "NAME" was classified as a menacing dog under section 33C (1) as a result of NAME belonging predominately to the American Pit Bull terrier type breed.

The menacing dog classification was posted to you on DATE and an Animal Control Officer did explain the effects of the classification when taking registration details.

DETAILS

You have a right of appeal to the District Court under section 71B of the Dog control Act 1996 against the decision by the Hutt City Council to dispose of your dog in accordance with the Act. An appeal must be lodged no later than 7 days after the owner receives this notice.

Dog control Officer Date

Dog Control Officer	Date
---------------------	------

RELEASED UNDER THE LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987



NOTICE OF INTENTION TO DISPOSE OF A SEIZED DOG UNDER SECTION 33EC OF THE DOG CONTROL ACT 1996

Dog Control Act 1996

Section 71A

To Dog Owner		
Address		
Date		
Dog name	Dog ID/SR	Impound number
Colour	Breed	Sex

Microchip number

Your dog named NAME was seized under section 32EC(2) of the Dog Control Act 1996 on DATE and is currently in the custody of the Hutt City Council, Animal Services at 21 Meachen Street, Seaview.

This is to notify you that Hutt City Council is **not** satisfied that you the dog owner have demonstrated a willingness to comply with section 33EC(2)(b)) of the Dog Control Act 1996.

On DATE your dog "NAME" was classified as a menacing dog under section 33A(b) (i) of The Dog Control Act 1996 as DETAILS

On DATE a complaint was reported to Hutt City Animal Services that your dog NAME was seen to rush at and threaten a person in an aggressive manner MORE DETAILS

NAME was not controlled by a leash and not wearing a muzzle at the time of this incident as required by the Menacing Classification.

You have a right of appeal to the District Court under section 71B of the Dog control Act 1996 against the decision by the Hutt City Council to dispose of your dog in accordance with the Act. An appeal must be lodged no later than 7 days after the owner receives this notice.

Dog control Officer Date

RELEASED UNDER THE LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

BARKING DOG NOTICE

Section 55, Dog Control Act 1996

DATE

NAME

ADDRESS

Dear Sir/Madam

Barking dog notice – section 55 of the Dog Control Act 1996

Name of dog	Animal ID/SR	Registration number

I have received a complaint about a nuisance caused by your dog barking and howling.

Upon investigation I now have reasonable grounds for believing a nuisance is being created.

Please arrange to abate the nuisance by taking such action as is necessary to prevent the dog from barking and howling.

Please be advised that should the dog continue to cause a nuisance I may be compelled to serve a further notice requiring that provision is made to abate the nuisance forthwith or that the dog be removed.

I wish to advise that Dog Control Officers are now empowered under section 56 of the Dog Control Act 1996 to remove a dog from the premises should the nuisance continue.

Yours sincerely

select officer name

select job title

ANIMAL SERVICES

Dog Control Officer	Date

NOTICE TO ABATE BARKING DOG NUISANCE

Section 55, Dog Control Act 1996



In the matter of		
The Dog Control Act 1996		
and in the matter of		
a Notice under section 55 of the Dog Control Act 1996		
take notice that you		
of		
being the owner of a dog described as		
Name of dog	Animal ID/SR	Registration number
and kept at		
are required to		

This notice is served as a result of further complaints about

Take further notice

That if you fail to comply with this Notice within seven (7) days from the date of service hereof you commit an offence in contravention of the Dog Control Act 1996.

And take further notice

That you may within seven (7) days of the Notice object in writing against the requirements of the Notice.

Dog Control Officer	Date
---------------------	------

NOTICE OF REMOVAL OF BARKING DOG

Section 56, Dog Control Act 1996

To		
or, if no persons present		
To the occupants		
of		
Name of dog	Animal ID/SR	Registration number

This is to notify you* that this dog has been removed from this address under section 56(2) of the Dog Control Act 1996 and has been taken into custody following receipt of a further complaint of barking.

You may apply at any time for the return of the dog and should contact the Animal Control Officers on telephone Hutt City Council 570 6666.

The dog will be released if the Council is satisfied the return of the dog will not result in the resumption of the nuisance. You have a right of appeal to the District Court against a refusal to release the dog.

Unless returned, the dog shall be kept in custody until such time as the Council is satisfied:

- That proper provision in relation to the dog has been made on the property specified in the notice issued under section 55 of the Dog Control Act; or
- You have made arrangements for the dog to be kept on a property other than the property from which it has been removed.

You may be required to pay fees for the sustenance of the dog while in custody before it will be released.

If any fees are not paid, the Council may dispose of the dog by means of sale, destruction, or otherwise and that disposal will not relieve you of liability for payment of the fees.

Dog Control Officer	Date
---------------------	------

*For the purposes of the Dog Control Act 1996, you are the owner of a dog if—

- You own the dog; or
- You have the dog in your possession (otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, or damage, or distress, or for the sole purpose of restoring a lost dog to its owner); or
- You are the parent or guardian of a person under 16 who is the owner of the dog and who is a member of your household living with and dependent on you

FORM 4B

NOTICE OF CLASSIFICATION AS A MENACING DOG

Section 33C, Dog Control Act 1996



To																												
Address																												
Name of dog						Animal ID/SR																						
Registration number				Desexed ☐ Yes ☐ No		Microchip number																						
						<table border="1"> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>																						
Colour						Breed																						

This is to notify you* that **this** dog has been classified as a menacing dog under section 33C(1) of the Dog Control Act 1996

This is because the Council has reasonable grounds to believe that the dog belongs wholly or predominantly to one or more of the following breeds or types:

- Breed of Dog – Brazilian Fila; Dogo Argentino; Japanese Tosa; Perro de Presa Canario;
- Type of Dog – American Pit Bull Terrier

A summary of the effect of the classification and your right to object is attached.

Dog Control Officer	Date
---------------------	------

*For the purposes of the Dog Control Act 1996, you are the owner of a dog if–

- You own the dog; or
- You have the dog in your possession (otherwise than for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, or damage, or distress, or for the sole purpose of restoring a lost dog to its owner); or
- You are the parent or guardian of a person under 16 who is the owner of the dog and who is a member of your household living with and dependent on you

EFFECT OF CLASSIFICATION AS A MENACING DOG

Sections 33E, 33F, and 36A, Dog Control Act 1996

You—

- (a) must not allow the dog to be at large or in any public place or in any private way (other than when confined completely within a vehicle or cage) without the dog 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 Council, produce to the Council, within one month after receipt of this notice, a certificate issued by a registered veterinary surgeon 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) Where a certificate under paragraph (b)(ii) is produced to the Council, produce to the Council, within one month after the date specified in that certificate, a further certificate under paragraph (b)(i).

You will commit an offence and be liable to a fine not exceeding \$3000 if you fail to comply with all of the matters in paragraphs (a) to (c) above.

A dog control officer or dog ranger may seize and remove the dog from you if you fail to comply with all of the matters in paragraphs (a) to (c) above. The officer or ranger may keep the dog until you demonstrate that you are willing to comply with paragraphs (a) to (c).

As from 1 July 2006, you are also required, for the purpose of providing permanent identification of the dog, to arrange for the dog to be implanted with a functioning microchip transponder. This must be confirmed by making the dog available to the Council in accordance with reasonable instructions of the Council for verification that the dog has been implanted with a functioning microchip transponder of the prescribed type and in the prescribed location.

You will be committing an offence and be liable on conviction to a fine not exceeding \$3000 if you fail to comply with this requirement—

- within two months from 1 July 2006 if your dog is classified as menacing on or after 1 December 2003 but before 1 July 2006; or
- within two months after the dog is classified as menacing if your dog is classified as menacing after 1 July 2006.

If the dog is in the possession of another person for a period not exceeding 72 hours, you must advise that person of the requirement to not allow the dog to be at large or in any public place or in any private way (other than when confined completely within a vehicle or cage) without the dog being muzzled in such a manner as to prevent the dog from biting but to allow it to breathe and drink without obstruction. You will commit an offence and be liable on conviction to a fine not exceeding \$500 if you fail to comply with this requirement.

Full details of the effect of the classification of a dog as menacing are provided in the Dog Control Act 1996.

RIGHT OF OBJECTION TO CLASSIFICATION UNDER SECTION 33C

Section 33D, Dog Control Act 1996

You may object to the classification of your dog as menacing by lodging with the Hutt City Council a written objection within 14 days of the receipt of this notice setting out the grounds on which you object.

You have the right to be heard in support of your objection and will be notified of the time and place at which your objection will be heard.

You must provide evidence to the Council that the dog is not of a breed or type listed in schedule 4 of the Dog Control Act 1996.

CONTROL OF DOGS NOTICE

Section 52A, Dog Control Act 1996



To Dog Owner
Address

A complaint has recently been received regarding your dog NAME

DETAILS:

You are therefore given notice under section 52A of the Dog Control Act 1996, **to ensure all dogs in your care are under proper control at all times and leashed in public areas and/or kept securely on your own property.**

Failure to comply with this request will result in a \$200 infringement fine for any further uncontrolled sightings.

Dog name	Animal ID/SR	Tag number
Breed	Colour	Sex

Dog Control Officer

Date

NOTICE OF DISQUALIFICATION FROM DOG OWNERSHIP

Section 25, Dog Control Act 1996

To dog owner	Person ID/SR
Address	
Date	

This is to notify you that you have been disqualified under section 25 of the Dog Control Act 1996 from owning any dog from the date of this notice.

This follows—

☐

Your conviction, while a probationary owner, for *(details of offences referred to in section 25(1)(b) or (c))*, being

or

☐

Three or more infringement offences *(not relating to a single incident or occasion)* having been committed by you within a continuous period of 24 months—

The disqualification will apply from insert date of third or more infringement offence, or date of offence until insert date under section 25(4), unless earlier terminated by Council.

A summary of the effect of the disqualification and your right to object is attached.

Dog Control Officer	Date
---------------------	------

EFFECT OF DISQUALIFICATION

Section 28, Dog Control Act 1996

You are required to dispose of every dog owned by you within 14 days of the date of this notice.

However, you may not dispose of a dog:

- To any person who resides at the same address as you; or
- In a way that constitutes an offence against the Dog Control Act 1996 or any other Act

You must not become the owner, even on a temporary basis, of any dog while you are disqualified.*

You will commit an offence and be liable on conviction to a fine not exceeding \$3000 if you:

- Fail to dispose of every dog owned by you within 14 days of this notice; or
- At any time while disqualified, become the owner of any dog
- If you are convicted of the first or second of these offences, your period of disqualification may be further extended
- Dispose of any such dog to any person who resides at the same address as you or dispose of any such dog in a manner that constitutes an offence against the Dog Control Act 1996 or any other Act; or

You will commit an offence and be liable on conviction to a fine not exceeding \$3000 if you dispose or give custody or possession of a dog to a person, knowing that person to be disqualified from ownership under section 25 of the Dog Control Act 1996.

Full details of the effect of disqualification are provided in the Dog Control Act 1996.

RIGHT OF OBJECTION TO DISQUALIFICATION

Section 26, Dog Control Act 1996

You may object to the disqualification by lodging with either the Council a written notice setting out the grounds on which you object. You are entitled to be heard in support of your objection and will be notified of the time and place when your objection will be heard. No objection can be lodged within 12 months of the hearing of any previous objection to the disqualification. If an objection is lodged within 14 days after the date of this notice, the requirement to dispose of every dog owned by you will be suspended until Council has determined the objection.

There is a further right of appeal to a District Court if you are dissatisfied with the decision of the Council on your objection.

*You may have possession of a dog only for the purpose of—

- Preventing it from causing injury, damage, or distress; or
- Returning, within 72 hours, a lost dog to the Council for the purpose of restoring the dog to its owner

insert date

insert name, address and post code

Dear Sir/Madam

Obligation of dog owners – section 54 of the Dog Control Act 1996

Name of dog	Animal ID/SR	Tag number

On a recent visit to your property it has been discovered that dog(s) in your care are not being kept to the required standards of the Dog Control Act 1996.

I therefore must point out to you your obligations under section 54 of the Dog Control Act 1996 whereby you are required to ensure that the dog(s)

- ☐ receive proper care and attention
- ☐ supplied with proper and sufficient food
- ☐ water
- ☐ shelter
- ☐ adequate exercise.

Every person being the owner who fails to comply with the above requirements is liable, from Council to an infringement for \$300.00.

To rectify this you are required to provide your dog/s with insert details as above

Your co-operation and attention to this matter would be appreciated.

For any enquires you may have regarding the keeping of your dog/s do not hesitate to contact Animal Services, Select one.

Yours sincerely

select officer name

select job title

ANIMAL SERVICES

WARNING FOR BREACH OF HCC BYLAW

Date

To

Address

Tick breach (box)

☐
Dog/s in prohibited area
☐
Dog/s required to be leashed

On

at approximately

your dog

was sighted at

(location)

being walked in an area in breach of the Hutt City Council bylaws.

Please note any further bylaw breach relating to these requirements may result in a \$300 infringement fine being issued.

All dogs are required to be leashed at all times in any public area which includes Te Whiti Riser, Belmont Regional Park, Eastbourne walking tracks and other parks and tracks throughout Lower Hutt.

For Petone Beach – during daylight savings hours, dogs are prohibited from the beach between 9am and 8pm. Outside of these times dogs must be on a lead. Off leash areas are Hikoikoi Park area and west of Petone Wharf.

For Eastbourne beaches – these include picnic and leisure areas of Point Howard, Sorrento Bay, Lowry Bay, York Bay, Mahina Bay, Rona Bay and Robinson Bay. Dogs are prohibited between 9am and 8pm during daylight savings hours. Outside of these times they must be on a leash.

Please refer to HCC website for more information and for designated off leash dog exercise areas.

Yours sincerely

Animal Control Officer

DOG SURRENDER AGREEMENT



To ☐ Animal Service Centre, 21 Meachen Street, Seaview	Impound number
--	----------------

I hereby authorise the Council to take ownership of the dog described below

Dog name	Animal ID/SR	Tag number
Microchip number		
Colour	Age	Sex
Breed	Desexed	
The reason for the surrender?		

I am the owner of the above dog/or I am authorised to surrender the dog.

I understand that the dog will be the legal property of the Council.

Full name of dog owner/or person authorised to surrender the above dog	
Address of authorised person	Contact telephone number

The information above is true and correct to the best of my knowledge. I am 18 years of age or over and sign this agreement without duress from any person. I understand that once signed this agreement is Irrevocable.

All options regarding euthanising and/or rehoming have been explained to me ☐

Signed (owner/authorised person)	Date
----------------------------------	------

Dog Control Officer	Date
---------------------	------

DOGS SURRENDERED FOR REHOMING

Please ask the following questions:

Is the dog vaccinated? ☐ Yes ☐ No ☐ Fully ☐ Part	Expiry date	Name of vets
Is the dog desexed? ☐ Yes ☐ No		
Is the dog currently registered? ☐ Yes ☐ No		
Has the dog ever snapped or growled at anyone? ☐ Yes ☐ No		
Sociable with cats? ☐ Yes ☐ No		
Sociable with other dogs? ☐ Yes ☐ No		
Respectful and good with children? ☐ Yes ☐ No		
Is it toilet trained? ☐ Yes ☐ No		
Is the dog an inside or outside dog? ☐ Inside ☐ Outside ☐ Both		
Is it ok with being left home alone ☐ Yes ☐ No		
Does it behave aggressively when approached when it is eating? ☐ Yes ☐ No		
Are there any known medical conditions or old injuries that we need to be aware of? ☐ Yes ☐ No <i>If yes – please provide information</i>		
What commands does it know?		

Bound at top – tear off – A5 pre-carbonated one copy (yellow) – pads of 50? - numbered

COMPLAINT NOTICE



To: The occupant/dog owner	
Date	Time
How delivered	Enquiry No.

A complaint has been received whereby I have reasonable grounds to believe that an offence has been committed contrary to the provisions of the

- ☐ Wellington City Council bylaw ☐ Hutt City Council bylaws ☐ Dog Control Act 1996

THE ALLEGED OFFENCE IS

- | | |
|--|--|
| ☐ Classification of dog (dangerous or menacing) | ☐ Attack on animal |
| ☐ Dog registration (covers unregistered dog) | ☐ Attack on person |
| ☐ Impounded dog | ☐ Dog being aggressive |
| ☐ Dog/s barking | ☐ Dog not on a leash |
| ☐ Security of property | ☐ Dog not under control |
| ☐ Access to property | ☐ Dog not muzzled as required |
| ☐ Additional dogs on property | ☐ Other |
| ☐ Dog in a prohibited area | |

THE ALLEGED OFFENCE WAS COMMITTED ON

Date	Time
------	------

DOG DESCRIPTION

Breed	Colour
Sex	Distinguishing features/marks

COMMENTS

Please contact Animal Control Officer
within 48 hours of this notice

- ☐ Wellington City Council on (04) 388 8212 ☐ Hutt City Council on (04) 570 6666

Issuing ACO initials

RSA-FORM-051 HCC-WCC | February 2014

RELEASED UNDER THE OFFICIAL INFORMATION AND MEETINGS ACT 1987

STATEMENT



WITNESS PERSONAL DETAILS

Family name	
First name	
Middle name/s	
Gender	
Date of birth	
Age	

WITNESS HOME DETAILS

Home address	
Suburb/town	
City	
Home telephone	
Mobile telephone	
Email	

WITNESS WORK DETAILS

Occupation	
Company	
Work address	
Work telephone	

STATEMENT DETAILS

Time statement taken	
Date statement taken	
In the matter of	
Statement taken by	
Place statement taken	

NOT FOR DISCLOSURE

Place	
Time	
Name	states

(Type in statement)

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Name	further states
(Type in statement)	

I have read this statement and it is true and correct

Signature	Date
-----------	------

Statement taken and signature witnessed by

Dog control officer	Date
---------------------	------

for Hutt City Council

Statement finished at

Time and date

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PROSECUTION COVER SHEET



Christian names
Surname

A Council request	Duty solicitor
B Defence request	
C Not guilty	Solicitor
D Formal proof	
E Guilty	ACO case

	CRN	Charge	Plea	Result

Remand date	Remand result	Judge

Date summons deposited at Court
Type of breach ☐ Bylaw breach ☐ Dog Control Act 1996 breach

Fine \$ Court costs \$ Witness expenses \$ Medical expenses \$ Solicitor's costs \$ Reparation \$	Order/s made
--	---------------------

Signed (Judge)	Date
Signed (Prosecutor)	Date

Type of incident

☐

Attack on person

☐

Attack on animal

☐

Breach of Act

☐

Other

Dog Control Officer

Date

Complainant

Defendant

Date and time of incident

Where

What happened

CHECK LIST

- 1

Is complainant prepared to appear in court?

☐ Yes

☐ No
- 2

Have you interviewed all witnesses?

☐ Yes

☐ No
- 3

Are witnesses prepared for court?

☐ Yes

☐ No
- 4

Have you taken statements?

☐ Yes

☐ No
- 5

Are there exhibits (photos etc)?

☐ Yes

☐ No
- 6

Has owner been interviewed?

☐ Yes

☒ No
- 7

Has owner been made aware of Court Action?

☐ Yes

☐ No
- 8

Has RFS been completed?

☐ Yes

☐ No
- 9

Have you collated RFS, statements, exhibits?

☐ Yes

☐ No
- 10

Have completed documents been passed to Prosecutions Officer for action?

☐ Yes

☐ No

Investigating officer
Prosecution recommended
☐ Yes ☐ No
Date
Senior officer reviewed
☐ Yes ☐ No
Senior officer

INCIDENT REPORT BY OFFICER



Type of incident
☐ Attack on person ☐ Attack on animal ☐ Breach of Act ☐ Other
Dog Control Officer
Date
Complainant
Defendant
Date and time of incident
Where
What happened

CHECK LIST

- | | | | |
|----|--|------------------------------|-----------------------------|
| 1 | Is complainant prepared to appear in court? | ☐ Yes | ☐ No |
| 2 | Have you interviewed all witnesses? | ☐ Yes | ☐ No |
| 3 | Are witnesses prepared for court? | ☐ Yes | ☐ No |
| 4 | Have you taken statements? | ☐ Yes | ☐ No |
| 5 | Are there exhibits (photos etc)? | ☐ Yes | ☐ No |
| 6 | Has owner been interviewed? | ☐ Yes | ☐ No |
| 7 | Has owner been made aware of Court Action? | ☐ Yes | ☐ No |
| 8 | Has RFS been completed? | ☐ Yes | ☐ No |
| 9 | Have you collated RFS, statements, exhibits? | ☐ Yes | ☐ No |
| 10 | Have completed documents been passed to Prosecutions Officer for action? | ☐ Yes | ☐ No |

Investigating officer

Prosecution recommended

☐

Yes

☐

No

Date

Senior officer reviewed

☐

Yes

☐

No

Senior officer

IN THE MATTER Section 98 of the Search and Surveillance Act 2012 and of section 14(2), 14 (3), 33EC, 42 and 57A of the Dog Control Act 1996

AND NAME
Dog Control Officer,
Hutt City Council

AND The property situated at
ADDRESS

APPLICATION TO ENTER DWELLING HOUSE

I, NAME, Dog Control Officer of Hutt City Council do state that I am a warranted officer appointed by the Hutt City Council pursuant to the Dog Control Act 1996 that:

I, make application to , Issuing Officer, to enter the dwelling house situated at ADDRESS accompanied by a Constable and with any such assistance, at any reasonable time, within one month of the date of the warrant pursuant to sections 98 or the Search and Surveillance Act 2012, and sections 14(2), 14(3), 33EC, 42 and 57A of the Dog Control Act 1996, an enactment as specified in Column 2 of the Schedule of the Search and Surveillance Act 2012, as I have good grounds to believe that an offence has occurred in the preceding six months, based on the following facts:

1. My role as a Dog Control Officer includes ensuring that members of the public comply with the requirements of the Dog Control Act 1996 ("the Act).
2. A person by the name of NAME, residing at ADDRESS is the owner of a SEX, COLOUR, BREED named NAME Id NUMBER
3. The dog named NAME is not currently registered with Hutt City Council.
4. I therefore suspect that an offence against the Act has been committed in the preceding six months, in that there is situated at ADDRESS, this dog which is currently not registered and this constitutes an offence against section 42 of The Dog Control Act 1996.
5. FOR MENACING On DATE NAME was classified as Menacing under section 33A(2) of the Dog Control Act 1996.
6. The requirement of the Menacing classification is that the dog is muzzled at all times in any public place. The dog is also required to be desexed within 1 month.
7. On DATE NAME DETAILS in a public place and to behave in a threatening and aggressive manner.
8. The owner has not provided proof that this dog has been desexed.
9. This constitutes an offence under Section 33EC and 57A of the Dog Control Act 1996.
10. I believe this dog is being kept inside this dwelling.

Because of this, I hereby make application under section 14(2) of the Dog Control Act 1996 to enter the said dwelling house within 30 days, accompanied by a constable and any persons called to assist, and seize and remove the aforementioned dog.

I am not aware of an application for a Warrant to Enter being made in the previous three months in respect of ADDRESS

I confirm that the truth and accuracy of the contents of this application. I am aware that it is an offence to make an application containing any assertion or other statement known by me to be false.

If this application is successful I also request this warrant may be executed on more than one occasion during the period of which it is in force.

NAME . Applicant

GIVEN UNDER MY HAND

This _____ day of _____ 20_____ at Lower Hutt

Animal Control Officer number	Animal Control Officer name
Time	Date

REGISTERED OWNER DETAILS

Person	First name		Middle name	
	Surname		Date of birth	
Contact	Home	Work	Mobile	
	Email			
Address	Residential			
	Postcode			

DETAILS OF PERSON ☐ IN CHARGE ☐ IN POSSESSION AT TIME OF OFFENCE (tick one)

Person	First name		Middle name	
	Surname		Date of birth	
Contact	Home	Work	Mobile	
	Email			
Address	Residential			
	Postcode			

ADMISSION – OFFENCE ADMITTED ☐ YES ☐ NO (delete one)

By whom?

DOG DETAILS

Name	Breed	Colour	Sex	Animal ID	Tag number

RESPONSE OF ☐ OWNER ☐ PERSON IN CHARGE *(tick one)*

Owner/person in charge signature	Date
----------------------------------	------

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Owner/person in charge signature	Date
----------------------------------	------

RELEASED UNDER THE LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

Owner/person in charge signature	Date
----------------------------------	------

ANIMAL-OWNER DETAILS

FOR INVOICING PURPOSES ONLY



Date sighted		
Owner's name		
Date of birth of owner		
Postal address		
Location of dog (if different from new postal address)		
Owner's telephone number (work)	(home)	(mobile)
Owner's email		

PARTICULARS OF DOG

Name of dog	Age															
Sex ☐ Male ☒ Female	Desexed ☐ Yes ☐ No															
Breed	Colour															
Microchip number (if applicable)																
<table border="1"> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>																
Tattoo number (if applicable)																

OFFICE USE ONLY				
Person ID	Property ID	Animal ID	Invoice amount \$	Date invoice posted

.....

Animal Services
Telephone 04 570 6666
Debora.Parsons@huttcity.govt.nz
Our reference: RFS.....

Dear Householder

Additional dog licence application

Your neighbour at
has applied for a licence to keepdog/s.

At present there is/aredog/s on this
property. Part of the application process is to advise and get permission/objection from
neighbouring properties.

Please complete and return this letter in the envelope provided or via email to my email address
above within 14 days. If you have any objections you must state the reasons for this.

Name	Address	Phone

☐ No objection ☐ Objection (Please tick one)

Objection reason
.....
.....
.....
.....
.....

Yours sincerely

Animal Services
Hutt City Council

OPERATIONAL PROCEDURE WHEN INVESTIGATING DOG COMPLAINTS



When a complaint is first received by an Animal Control Officer the property file from the computer records must be accessed to familiarise the officer with any previous history relating to that property and or dog/s.

A check also must undertaken of the property on HuttView to ensure the dog is not classified or flagged for any reason.

If the dog on the property you have received a complaint about is known to be aggressive or a type that fits the menacing classification category you must ensure another officer accompanies you to that property.

Upon arrival at the property, officers must ensure that their radio telephone is attached to their belt and turned on to enable the tracking GPS feature to work.

Officers must also ensure that a bite safety stick is worn on the duty belt for personal protection and if necessary you should carry a bite prevention leash pole or catchpole.

Data assessing is important to ensure if a dog is residing at the property such as dog faeces, bones, diggings, dog toys, kennels or any other indications that a dog may be present on that property. Officers should also make a noise opening gates or whistle out to ensure you have not surprised a dog in an effort to prevent a surprised attack from that dog.

The likelihood of an attack on or near a dog's property is higher than anywhere else given that most dogs are territorial and will see you as a stranger or intruder in their space which may include houses either side or near where that dog is being kept.

To prevent a bite from an attacking dog, use whatever material object you have between you and the dog. Never enter a property without your personal protection equipment. Occupy the mouth of a dog with either a clipboard, bite safety stick, pole etc as the mouth is the only part of a dog that will injure you.

In the event of dogs needing to be seized from properties for reasons such as aggression and unregistered, at least three officers should be used and the GSMEAC training and process must be used at all times, as this is a proven operational and safety method for that type of operation.

Working in at least pairs is for officer safety from not only dogs, but owners at times also show owner initiated aggression towards compliance officers and your previous training on de-escalation will assist you in identifying situations that may turn into unsafe visits.

If in doubt, discuss with senior officers at all times.