



Te Tari Taiwhenua
Internal Affairs

Enforcement Guidelines

under the Dog Control Act 1996



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1 Introduction

During 2007/08 The Department of Internal Affairs conducted a review of public safety under the Dog Control Act 1996 and its implementation. The Department consulted widely within the sector and amongst key stakeholders.

As a result of this work, the Government directed the development of enforcement guidelines. A significant driver for the guidelines was the common view of the local government sector and key stakeholders that the Dog Control Act generally provides the necessary tools but that the Act's enforcement could be improved. It was considered that improved safety around dogs can be gained from encouraging consistent and effective enforcement.

The purpose of dog control is to maintain and improve public safety. The purpose of these guidelines is to provide practical guidance and support to assist councils in developing and implementing their approach to dog control. This will contribute to more effective and consistent enforcement.

The guidelines set out principles and considerations that underpin good practice, provide examples and encourage information sharing and collaboration within the sector.

1.1 Working Group

The guidelines are based on the experience of councils and professional opinion on good practice. They have been developed by the Department of Internal Affairs in collaboration with key stakeholders within the local government sector – Local Government New Zealand, Society of Local Government Managers, and councils.

To this end a working group was set up, comprised of

Kate Barker	Local Government New Zealand
Kerry Becket	South Waikato District Council
Phil Bergman	Tasman District Council, Control Services Nelson Ltd
Nicole Collins	Waikato District Council
Clare Connell	Auckland City Council
Kevin Coutts	Rotorua District Council
Barry Gillingwater	Manukau City Council, Franklin District Council, Wellington City Council & DSS Animal Management
Don MacKay	Society of Local Government Managers
John Payne	Tauranga City Council
Ken Thomas	Far North District Council
Mark Vincent	Christchurch City Council
Neil Wells	Waitakere City Council

The authors of these guidelines take no responsibility for the content of material obtained from other sources and included in these guidelines.

1.2 Reference Group

The draft guidelines prepared by the working group were considered by a reference group of key stakeholders. The reference group comprised

Federated Farmers

New Zealand Kennel Club

Companion Animal Council

Auckland SPCA

NZ Veterinary Association

Veterinary Council of NZ

Royal New Zealand Society for the Prevention of Cruelty to Animals










New Zealand Institute of Animal Control Officers.

1.3 Dog Control Act 1996

Dog control is regulated by the Dog Control Act 1996, which was introduced after a major review of dog control in the mid 1990s, and its amendments in 2003, 2004 and 2006. Good dog control needs to balance the interests and freedoms of responsible dog owners with the need to protect the general public from harm from dogs.

The Dog Control Act is focused on managing risk and enables action to be taken to mitigate unreasonable risk. The regime is based on dog owners being responsible for the control of their dogs and compliance with the Act.

The main features of dog control under the Dog Control Act are that

-  dog owners have specific obligations, with penalties for non-compliance
-  councils must adopt dog control policies, maintain the dog registration system and enforce the Act
-  all dogs must be registered
-  councils must submit registration and microchip information to the National Dog Database (NDD), which assists coordination of dog registration and control between councils
-  councils have the power to seize, impound or destroy dogs in specified circumstances
-  all newly-registered dogs (except working dogs), second time impounded dogs, dogs impounded unregistered, and dogs classified as dangerous and menacing are required to be microchipped
-  dog owners may be classified 'probationary owners', which imposes additional obligations, or disqualified from dog ownership for up to five years
-  dogs are able to be classified as 'dangerous' or 'menacing', imposing additional obligations on the dog's owner, and
-  since 2003, the importation of specified breeds and types of dog listed in Schedule 4 of the Act has been banned, and councils must also classify dogs belonging to these breeds and types of dogs as menacing.



2 General Dog Control Matters

2.1 Approaches to Dog Control

A number of matters can be considered in developing approaches to dog control consistent with the general principles of administering and enforcing regulatory regimes.




High-level decisions taken by council on these matters can determine the outcomes achieved by council dog control activities and the effectiveness of council enforcement of the Dog Control Act.

The Dog Control Act seeks to improve public safety by mitigating the risk of harm, injury or nuisance from dogs living in our communities. To this end the Act allocates responsibilities, sets out obligations and provides for a range of mechanisms, under which

-  dog owners are responsible for their dogs, their dogs' behaviour, and fulfilling the requirements of the Act, and
-  councils are responsible for administering, implementing and enforcing the Act, including the maintenance of a dog register.

Responsible dog ownership includes responsibility for the behaviour of dogs. As well as providing food, water, warmth, shelter, care and affection, this means cleaning up its faeces, preventing the dog from being a nuisance and ensuring that it is well socialised and trained. It requires an owner to obey the law and understand their dog and the reasons for its behaviour.

Similarly, a council's approach to fulfilling its statutory obligations extends logically to providing dog owners, prospective owners and the non-owning general public with key safety messages and educational material. Generally, approaches to implementing and enforcing dog control under the Dog Control Act should emphasise

-  providing information and education
-  providing incentives to comply with the law, including the removal of obstacles to compliance, and
-  taking appropriate enforcement action.

To more clearly illustrate the considerations taken into account in formulating an approach to dog control, dog owners can be broadly categorised

- a) The majority of dog owners are well intentioned, but may not always comply with all of their obligations or understand dogs fully. Generally, these owners are less likely to be associated with unreasonable risk to public safety in that they generally choose to comply and take the appropriate steps to do so. These owners are 'self regulators'.
- b) A significant number of owners may be willing to comply but may need to be assisted with more than general messages. These owners may become associated

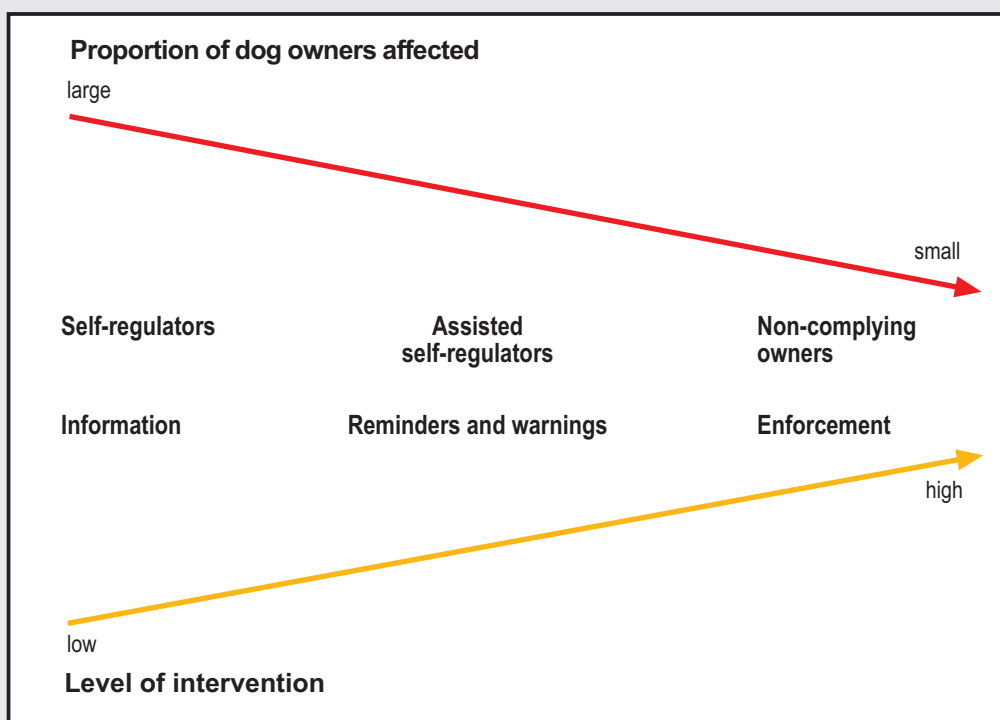
with unreasonable risk, though they can be encouraged to become responsible owners and take the appropriate steps. Helpful tips, advice, reminders and warnings can help to ensure compliance. These owners are the 'assisted self-regulators'.

- c) Some owners will choose not to comply with the Dog Control Act, and cannot easily be encouraged to take appropriate steps. These are the 'non-complying owners'.

These categories deliberately over-simplify reality. People who might otherwise be responsible owners, who comply with most requirements, may choose not to put their dog on a lead, or they may not fully understand their dog's behaviour. Conversely, someone who does not comply with legal requirements may fully understand their dog and have it well under control. Even so, the simple categories remain useful as they provide a general basis on which to focus dog control approaches.

For example, information and recognition can most usefully be provided for the responsible, self-regulating owners. Education, reward, reminder notices, warnings and, possibly, low-level enforcement action are most useful for the assisted self-regulating owners. Escalating levels of enforcement can be expected to be required for non-complying owners. This is illustrated in Figure 1.

Figure 1 – Categories of dog owners in relation to level of intervention



Dog control includes a range of activities

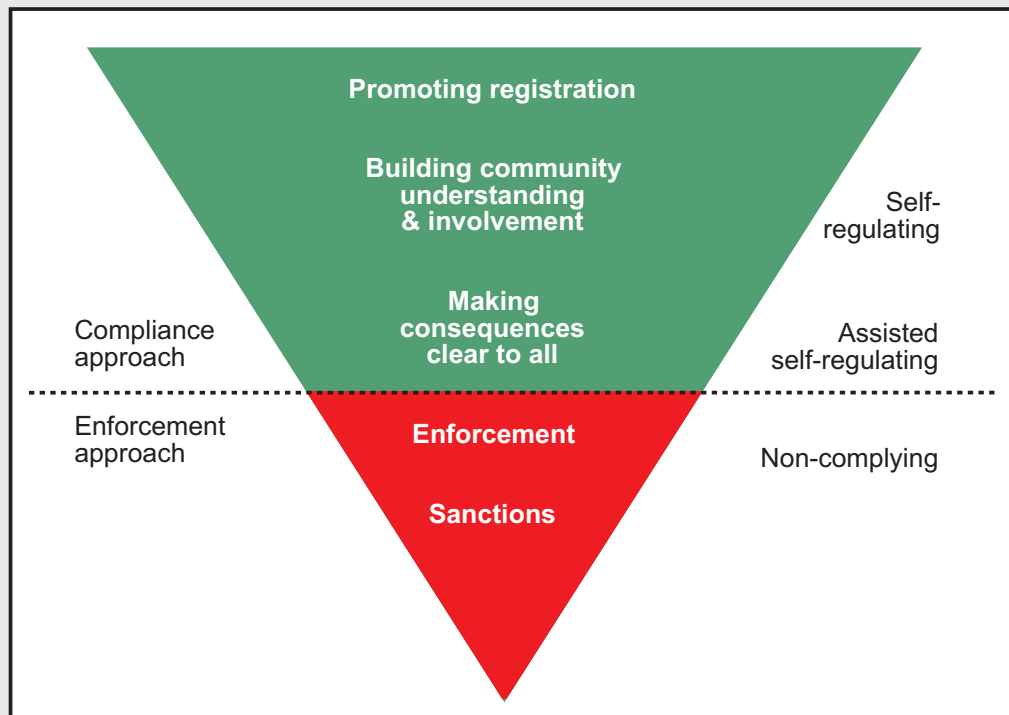
- i. registration of dogs
- ii. promotion of registration
- iii. building community awareness, understanding, support and involvement
- iv. public education
- v. enforcement, and
- vi. sanctions.

The first four activities aim to encourage compliance and ensure the public know and understand the consequences of their choices. Together these make up the compliance approach.

Similarly, the active policing of dog control legislation and bylaws, the application of the various enforcement tools, escalation from one tool to another and sanctions together make up the enforcement approach.
















Figure 2 illustrates the relationship between compliance and enforcement approaches and the simplified categories of dog owners.

Figure 2 – Relationship between categories of dog owners and dog control approaches



In practice, focusing awareness on incentives, the choices people can make and the consequences of those choices can be very effective. Inevitably, however, in some cases enforcement action will be required. Although enforcement activities may only be required in respect of a few dog owners, these activities are time and resource-intensive.

In considering its approach to implementing and enforcing the Dog Control Act, councils should recognise that

-  dog owners are responsible for the well-being and behaviour of their dogs
-  councils are responsible for administering the Act
-  dog control and enforcement of the Act contributes to public safety in communities by reducing the potential for harm and nuisance from dogs
-  dog control is a regulatory activity that can be highly emotive
-  the approach to dog control must be consistent with the welfare of animals
-  the approach to dog control should recognise and accommodate the companion and economic value of dogs, their recreational needs and their welfare
-  a successful approach will apply both compliance and enforcement approaches
-  a successful approach requires alignment of approaches to funding, policy, dog control activities and enforcement, and monitoring
-  implementing a successful approach requires integration with and support from other council services. This could be call centres, parks departments, and council employees generally, who can report observations of dogs behaving badly or roaming etc. This has been referred to as a total service approach
-  the registration of dogs is the cornerstone of dog control
-  particular dog control issues will vary over time, and location by location
-  dog control issues need to be recognised and met with a considered response
-  in addressing dog control issues, territorial authorities should be seeking to achieve the most positive and enduring outcome in accordance with sound regulatory practice
-  building and maintaining strong and effective relationships with other agencies, such as the Police, Courts, Court Collections, elected members, senior management, other council departments, SPCA, ACC, meter reading companies, Plunket, District Health Board, Housing New Zealand, NZ Post, WINZ, local veterinarians, pet shops, boarding kennels, breeders and with communities generally, contributes to effective enforcement, and
-  dog control is a specialist activity that requires specific knowledge and skills to be maintained.

Key points

The purpose of dog control is to maintain and improve public safety by mitigating risk and taking appropriate actions in response to high risk.

Dog control is a regulatory activity. Matters related to dogs and their behaviour can be emotive and can polarise a community.

Effective dog control requires having the right mix of information, education, incentives and enforcement. Awareness of good practice should be maintained and acted upon across council activities.

2.2 Education and Community Awareness




Dog control is a regulatory activity involving the behaviour of dogs, their owners and people in the wider community. Effective dog control is assisted by developing and maintaining strong relationships within the community.

Communications are a significant element of building and maintaining relationships. A communications plan, focused on key messages and identifying target audiences, is a useful way of coordinating the information provided. Such a plan also enables councils to respond promptly and appropriately to a serious incident and when there is media interest.

Generally, most people are responsible dog owners. Councils should take opportunities to engage with people and explain the reasons for dog control, to raise community awareness and understanding of dog control policy.






School and community group visits, attending events relevant to dog owners and communities, such as children's pet shows and A&P shows, are opportunities for wider engagement. Advertising, newsletters and pamphlets are examples of the type of communication that can be targeted both in terms of the audience and the message, for example, to meter readers and others, whose jobs might bring them into contact with dogs in their environment.

In engaging with communities on dog control it is helpful to recognise that there are different groups

-  dogs and their owners
-  general public (the majority of whom are not dog owners), and
-  unfortunately on occasion, the victims of dog aggression.














People's attitudes and responses to dog control can be expected to vary as with other regulatory activities. Success will depend, in part, on the policy developed by the council, but mostly, on the effectiveness, skills and experience of dog control officers working in the community.

Good practice considerations

-  recognition and reward may be most effective for those who want to comply with dog control and will comply
-  reminders, assistance and a helpful, personal approach may be most effective for those who want to comply but may forget, be impeded or find it difficult
-  enforcement action may be most effective for those who don't wish to and will not comply
-  opportunities should be taken to build rapport wherever possible and show empathy, and
-  innovation and working together with other authorities, agencies or people presents opportunities to be more effective.



Good practice examples

-  align council policy, allocation of resources and implementation of dog control activities (walking the talk)
-  communicate clear, consistent messages to dog owners and the general community
-  consider translation of messages into other languages where there are particular issues for communities who do not speak English as a first language
-  provide easily understood translation of policy and bylaws 'on the ground' through clear signage
-  incorporate educational messages into enforcement activities, with the ability to spend time with dog owners where appropriate
-  talk to and connect with dog owners about their dogs where opportunities arise
-  maintain the capacity to provide advice to dog owners (some councils provide evaluation services, remedial advice and support to owners of problem dogs). However, recognise that care needs to be exercised when providing advice where legal responsibilities may be involved
-  include relevant and appropriate books on dogs, dog behaviour and dog control in library collections
-  provide bite prevention safety information and education to the community
-  identify opportunities and media channels to disseminate key messages and information (school visits, web pages, newsletters, annual brochures or circulars, dog owners' manuals, posters, children's pet shows, gymkhanas, pet shops, veterinary clinics etc)
-  build strong relationships with key stakeholders: SPCAs, veterinarians, Police, dog obedience clubs, kennel/dog breed clubs, NZIACO, elected members and adjoining councils
-  ensuring the results of enforcement actions (particularly, successful prosecutions) become well known on the community, and
-  maintaining high standards of professionalism at all times.

Key points




A knowledgeable and understanding community that supports responsible dog ownership is a vital partner in achieving effective dog control and safety around dogs. Advantage should be taken of education and information opportunities wherever they arise.

2.3 Animal Welfare and Recreation

Happy, healthy pets bring benefits and provide significant companion value to their owners and families. Responsible pet ownership carries with it the responsibility for the pet's welfare. Family pet ownership can be among a child's first introduction to responsibility to others and an important part of growing up.

2.3.1 Animal Welfare

The Animal Welfare Act 1999 was introduced to reform the law relating to the welfare of animals and the prevention of their ill treatment. Among other things it

-  requires the owners of animals (or persons in charge) to attend properly to the welfare of their animals
-  enables the specification of conduct that is or is not permissible in relation to animals, and
-  provides for the development of codes of welfare and the approval of codes of ethical conduct.

Among other things, the owners of animals (and persons in charge) must attend properly to the welfare of their animals by taking all reasonable steps to ensure that their physical, health and behavioural needs are met in accordance with good practice and scientific knowledge. Owners (and persons in charge) of animals are also required to ensure that sick or ill animals receive, where practicable, treatment that alleviates any unreasonable or unnecessary pain or distress from which the animals are suffering.

These requirements are relevant to dog control officers and the operators of animal shelters. They need to meet all relevant standards and requirements in carrying out their activities.

A council's approach to dog control should incorporate animal welfare considerations as a matter of best practice.

2.3.2 Recreation

Meeting the recreational needs of dogs is partly an animal welfare issue and partly a nuisance preventive measure. Healthy, happy, well socialised and exercised dogs are less problematic from an animal control and dog owner perspective.

The Dog Control Act requires that dog owners ensure that their dog/s receive adequate exercise. Further, the Act recognises the importance of recreation and the local provision of appropriate spaces by enabling local authorities to designate dog exercise areas in council dog policy and bylaws.







An overview of council dog policies available over the internet indicates most councils recognise the need for dogs to exercise, though there are different approaches. Some councils, but not all, provide dog exercise areas specifically designed for dogs to provide safe and interesting opportunities for fitness and agility activities.

Some councils provide for exclusive dog exercise areas and some do not, aiming instead for integration of dogs and their owners in the use of open space. Some

councils take a district-wide approach and recognise dog exercise needs in their reserve management planning under the Reserves Act 1977.

The approach chosen by individual councils should seek to achieve animal welfare, animal control and community outcomes. A range of opportunities can be explored without necessarily giving rise to significant demand for funds.

Good practice examples

-  locate recreation areas appropriately, for example, not close to wildlife or heavy traffic flows
-  fence recreation areas appropriately to provide separation from traffic where necessary
-  make available receptacles for the disposal of dog excrement
-  ensure recreation areas safely provide interest and challenge for dogs through a mixture of terrain and flora
-  clearly communicate and signpost recreation areas, their nature, boundaries and any limitations (hours, etc) so they can be easily understood, and
-  provide sufficient space for dogs to run, and remove any obstacles that could cause harm to dogs.

Key points

Animal welfare and recreational opportunities are important matters that require consideration and incorporation into the approach taken to dog control.

2.4 Funding for Dog Control

Subpart 3 of part 6 of the Local Government Act 2002 makes provision for local authority financial management. The provisions of this part seek to ensure that a council “manage its revenues, expenses, assets, liabilities, investments, and general financial dealings prudently and in a manner that promotes the current and future interests of the community”.

Councils are required to have a funding policy and apply a number of considerations in determining how funding needs may best be met, including

- (a) in relation to each activity to be funded
 - (i) the community outcomes to which the activity primarily contributes, and
 - (ii) the distribution of benefits between the community as a whole, any identifiable part of the community, and individuals, and
 - (iv) the extent to which the actions or inaction of particular individuals or a group contribute to the need to undertake the activity, and
 - (v) the costs and benefits, including consequences for transparency and accountability, of funding the activity distinctly from other activities, and
- (b) the overall impact of any allocation of liability for revenue needs on the current and future social, economic, environmental, and cultural well-being of the community.

The main funding sources available to councils in respect of dog control activities include registration fees, infringement fees and rates. The cost of some dog control activities can also be met through cost recovery mechanisms such as impoundment fees (including sustenance fees). Contributions may also be available for educational communications from advertisers and contributions from commercial interests such as pet food manufacturers.

Reviewing the information available on council web sites indicates that there is a range of approaches. Some councils fund all dog control activities from registration fees, whereas others seek to fund 60% of these activities from registration fees, the balance coming from other revenue, namely rates.

Consideration of the private benefit and the public interest in the various activities that make up dog control, and the need for those activities, can provide guidance on the most appropriate mix of funding, as shown in Table 1 below.

Table 1 – Funding for dog control activities

Activity	Primary beneficiary	Need created by	Primary Source of Funds
registration	dog owners	presence of dogs in the community generally well managed and controlled dogs do not require enforcement action companion value of dogs	registration fees
education	children, general public and dog owners	presence of dogs in the community	registration fees infringement fees impoundment fees advertising revenue / other contributions rates
enforcement	general public	failure / individual choice not to comply owner responsibility penalties provide incentive to comply	registration fees infringement fees impoundment fees rates

A mix of funding is likely to represent the best way to recognise the public good element associated with community safety outcomes, provide incentives and minimise disincentives for compliance with the Dog Control Act.

In this way, the objective of dog registration can be encouraged, while ensuring that responsible dog owners do not pay the cost of policing irresponsible dog owners through their registration fees.





Key points

The main funding sources for dog control activities include registration fees, infringement fees and rates. A mix of funding is likely to be the best way to recognise private benefit and public interest in dog safety outcomes, as well as provide incentives and minimise disincentives for compliance with the Dog Control Act.

2.5 Registration







The registration of dogs is the cornerstone of the Dog Control Act. It should be the objective of every council to get all dogs over the age of three months registered.




Registration

-  is a legal obligation of all dog owners
-  allows communication with dog owners
-  allows a history of both dog and owner behaviour to be tracked, and
-  provides legal certainty of liability, necessary for the effective operation of offences and sanctions.

To this end, advertising campaigns promoting the due dates for registration as well as reminder notices to registered owners are good practices. It may be that opportunities exist for adjoining councils to combine to undertake these activities on a larger scale at reasonable cost.

Good practice examples

-  despatch registration notices in the first week of June each year, outlining the obligation to register before 1 July each year
-  advertisements / reminder notices to the public in the time leading up to 1 July each year (the commencement of each registration year)
-  send out registration reminder notices mid July (i.e. prior to penalty date)
-  check dogs registered in the previous year against dogs registered in the new year, following up on those that have not been re-registered that should have been registered
-  process non-registration by 1 November each year
-  conduct street surveys (this has the twin benefits of raising profile of registration and finding unregistered dogs)

-  issue infringement notices for detected non-registration as soon as practically possible
-  only waive infringement notices for non-registration in exceptional circumstances, and
-  seize dogs that remain unregistered.

Councils are authorised to set reasonable fees for the registration and control of dogs under section 37 of the Dog Control Act. Council consideration of registration fees takes place in the wider context of financial management, which is subject to the provisions of the Local Government Act.

Variation between registration fees charged across the country can be an issue, especially where the variation does not appear to correlate entirely to local characteristics or the particular dog control issues faced by an individual council. Councils may wish to consider consistency with the fees of their neighbouring councils when setting their registration fees.

It is common practice for councils to structure registration fees that recognise good practice, responsible dog ownership and the characteristics of their district. For example, registration fees are differentiated for responsible dog owners and between dogs in urban and rural areas.




There may be sound reasons for differentiating registration fees. For example, the fees for responsible dog owners may reflect the administrative costs of maintaining dog registration, while the fees for non-qualifying owners cover these costs in addition to contributing towards the cost of funding dog control and enforcement activities. Owners of dogs classified as dangerous, are required, by law, to pay 150% of a council's dog registration fees. See the discussion on responsible dog ownership for further discussion of the applicable qualifications.






Similarly, registration fees might be lower for dogs living in rural areas than for dogs living in urban areas, if a higher level of dog control services is provided in the urban area.

In any case, lower registration fees should cover the costs of registration and associated dog control activities (such as advertising). Higher registration fees can cover the increased costs associated with managing compliance and enforcement.

The overall mix will also be influenced by a council's approach to dog control and the range of policies it may seek to implement.

Good practice examples

-  waive the registration fee in the year a dog is neutered or offering reduced registration fees for neutered dogs (to encourage dog population control and potentially influencing the behaviour of dogs)
-  differentiate rural/urban registration fees (to reflect levels of service requirements as more complaints generally result from dogs in urban areas)
-  make first-time registration fees lower or free (to encourage dog registration)

-  lower fees where owners have taken part in dog obedience training and met a reasonable standard or are otherwise recognised as a responsible owner (to encourage and reward responsible ownership)
-  lower fees for dogs that have not had any justified complaints for a period of 24 months (to encourage a reduction of nuisance problems)
-  early bird competition whereby those who register are automatically entered into a competition to win prizes, such as dog food and dog-related products (a low-cost way of encouraging/rewarding prompt registration)
-  impose late fees as a significant penalty for late registration (to encourage/reward prompt registration), and
-  discount fees for multiple working dogs in working teams.

Key points

Registration is the cornerstone of dog control. There is a range of ways that councils can encourage timely registration. Tolerance of unregistered dogs in the community undermines dog owner responsibility, limits enforcement action and contributes to increased risk to public safety.

Dog registration fees are an important source of funding for dog registration and other dog control activities. Registration fees are determined by each council and there is currently a range of approaches.

The way fees are structured can be used to support dog control by providing incentives and reinforcing key messages.

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2.6 Responsible Dog Owners

Recognising responsible dog ownership is good practice and is consistent with the aim of promoting public safety and dog control.

Responsible dog owners comply with the Dog Control Act and relevant bylaws, value their dog and make sure that it is well treated. Some councils refer to them as 'selected owners', or 'licensed owners' or some equivalent term.










There are a variety of ways in which responsible dog owners may be recognised.

Patrols and officers out in the community may spontaneously reward observed behaviour with a small acknowledgement, such as a packet of dog food. An extension of this is where the council may provide for a number of free registrations per financial year, to be awarded in acknowledgement of responsible dog owners (as provided by Rotorua District Council).



Recognition of responsible owner status may be formalised and recognised through the scale of registration fees. (See discussion under registration fees above).

The formal status of a dog owner may be recognised on the basis of predetermined criteria set out in a council's dog policy. The following is a compilation of such criteria from council dog policies.

The dog's owner ensures the dog

-  is registered and microchipped (if required) with registration fees paid on or before due date
-  wears its tag at all times
-  has been previously registered for at least 12 months in the host district
-  responds to its owner's commands, is obedient and well trained
-  is kept leashed and muzzled as required
-  is appropriately vaccinated and dosed
-  is kept securely on their property (the area of the property the dog has free access to is fenced and gated and does not include the main entrance/visitors entrance to the dwelling)
-  is appropriately accommodated (determined by a range of criteria directed towards the dog's welfare [i.e. size of kennel] and seeking to reduce potential for nuisance [i.e. proximity to neighbours]), and
-  has not been impounded, nor been the subject of justified complaints in the previous 24 months.

The dog's owner

-  has not been convicted of an offence under the Dog Control Act, and
-  has not been issued with an infringement notice for an offence under the Dog Control Act in the previous 24 months.

Where a formal status approach is applied, it should remain conditional on continued performance and compliance. The status is earned, but may also be lost where the required standard of responsible dog ownership is not maintained. Loss of status could result, for example, from failing to register the dog, or if an infringement notice is issued for the behaviour of either the dog or the owner.

2.7 Dog Control Policy

Section 10 of the Dog Control Act requires that each council adopt a policy on dogs. This section determines the relationship to dog bylaws, specifies mandatory content,







Key points

Recognising and rewarding responsible dog ownership is a key component of dog control. It acknowledges the appropriate behaviour and practice of good dog owners, and models that behaviour to others.

Responsible dog ownership can aid enforcement activities by contributing to a culture of compliance, so that a community becomes more supportive of dog control as it becomes less tolerant of non-complying behaviours.

discretionary content, the matters that council shall have regard to in adopting its policy, and the process through which the policy shall be adopted.

Section 10 should be referred to in its entirety when developing dog control policy but, in summary, section 10(3) of the Dog Control Act requires that every policy shall



-  specify the nature and application of any bylaws
-  identify any public places in which dogs are to be prohibited, either generally or at specified times
-  identify any particular public places, and any areas or parts of the district, in which dogs (other than working dogs) are to be controlled on a leash
-  identify any places within areas or parts of the district that are to be designated as dog exercise areas
-  state whether dogs classified as menacing dogs are required to be neutered and if so, whether the requirement applies to all such dogs, and if not, the matters taken into account in requiring any particular dog to be neutered, and
-  include other details of the policy as the territorial authority thinks fit including, but not limited to
 - (i) fees or proposed fees
 - (ii) owner education programmes
 - (iii) dog obedience courses
 - (iv) the classification of owners
 - (v) the disqualification of owners, and
 - (vi) the issuing of infringement notices.


Dog policy is required under the Dog Control Act and is the means by which the council explains its approach to dog control to its community. Dog policy provides the basis for internal operational policy and practices.

A council's dog policy should clearly outline the council's approach to dog control, for example, how it intends to balance public safety with the recreational needs of dogs and their owners.

There are a number of different enforcement options available (infringements, impounding, classification of dogs and their owners and prosecution) in any particular circumstance. A good policy should indicate how those options will be used. For example, a persistently straying and impounded dog may attract an increasing scale of fees before it is released – so that the pound fees for the second time a dog is impounded are higher than the first, and the fees on the third occasion are higher again.

A council's dog policy should also indicate how a council might exercise its discretion under the Dog Control Act. Some questions when looking at discretionary options might include

-  will the council require menacing dogs to be neutered?
-  will the council require probationary owners to attend a dog owner education programme?

 what action will be taken in respect to nuisance behaviour such as problem barking?

Knowledge of local issues is important, as they can assist in identifying the best use of scarce resources.

The following Table 2 provides prompts on the content of dog policy. These have been compiled from current council dog policies and include best practice examples

Table 2 – Possible content of dog control policy

Issues	What are the dog control issues in the district? How are they identified?
Objectives	What are the councils' objectives, to be achieved through its dog control and enforcement activities? How will the policy and its implementation address those matters to which it must have regard under section 10(4)(a)-(d)? "10(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." ¹
Registration	What will be done to encourage registration? What will be done to enforce registration?
Funding	What is the basis for funding dog registration, education and dog control and enforcement activities? How clearly is the rationale explained? What fees will be collected? Are levels of service referred to? Are levels of service readily understandable in terms of the services provided (i.e. pound operating hours, out-of-hours services, emergency services)?

¹ Section 10(4) of the Dog Control 1996.

Responsible dog ownership	<p>Will responsible dog ownership be formally rewarded? If so, how?</p> <p>What criteria determine responsible dog owner status?</p> <p>How may responsible dog owner status be lost?</p>
Community relations and education	<p>What activity will be undertaken?</p> <p>What communication opportunities might be targeted?</p> <p>Are there special groups within the community that might be targeted in addition to general activities?</p> <p>What formats or media channels might be used?</p> <p>How proactive will the council be?</p> <p>Are there opportunities to work with stakeholders to coordinate and distribute key messages?</p> <p>What opportunities will be taken to build rapport and community relations through implementing dog control activities?</p> <p>Is the level of service covered directly or by reference to LTTCP/Annual Planning processes?</p> <p>Are there additional techniques that can be applied?</p>
Bylaws	<p>What use of bylaws will be made?</p> <p>How clearly are the dog policy and bylaws linked?</p> <p>Are the policies and associated bylaws able to be easily understood by the community?</p> <p>Are they supported by clear, sufficient and easily understood signage?</p>
Nuisance	<p>What tools will be used to mitigate dogs creating a nuisance?</p> <p>Will advice and assistance be provided?</p> <p>What service will be provided in response to complaints?</p> <p>What actions might result?</p> <p>What is the escalation path, from minimal to significant interventions where nuisance persists?</p> <p>Are they backed up by enforcement actions?</p>
Enforcement	<p>Has the full range of tools and techniques available under the Dog Control Act been considered?</p> <p>Are there clear, documented procedures for all complaint types?</p> <p>Is there a progression matching the circumstances – first-time/low-level offences, repeat offences, serious offences?</p> <p>Are exceptions made – e.g. no warnings in respect of dog registration related offences? Do they match the policy objectives?</p> <p>Is there a clear signal of the types of incidents/circumstances where a council will prosecute?</p>

	<p>Will discretionary powers under the Dog Control Act be utilised in respect of neutering, training of probationary owners etc?</p> <p>Do the fees charged reflect the objectives of enforcement – i.e. graduated pound fees?</p> <p>What use will be made of warnings, and in what circumstances?</p> <p>Are surrendered dogs accepted, and in what circumstances?</p> <p>Does surrender absolve dog owners of their responsibilities (i.e. pending enforcement action)?</p>
Shared services and coordination with other councils	<p>Is it possible for the council to share services (e.g. a pound) with neighbouring councils or other key stakeholders?</p> <p>Is it possible to work together with neighbouring councils to address common issues?</p> <p>Is it possible for neighbouring councils to combine resources to undertake advertising, deliver education campaigns and staff training programmes?</p>
Recreation space	<p>How will the recreation needs of dogs and their owners be recognised?</p> <p>Can recreation needs be recognised through the performance of other council activities, such as reserve management?</p> <p>Will dedicated areas be made available, or will integration be sought?</p>
Prohibited area	<p>Are prohibited areas able to be identified?</p> <p>Is the rationale clearly explained? For example areas of highly concentrated human population, ecologically sensitive areas etc.</p> <p>Are the areas clearly identifiable on the ground? For example through appropriate signage.</p>
On-leash and off-leash areas	<p>Are 'on-leash' and 'off-leash' areas able to be identified?</p> <p>Is the rationale clearly explained?</p> <p>Are they clearly identifiable on the ground? For example through appropriate signage.</p>
Monitoring	<p>What monitoring is undertaken?</p> <p>How does it contribute to the development and implementation of the dog policy?</p> <p>How clearly and informatively are the results reported to the community in section 10A reports?</p>
Consultation	<p>Has the community been fully engaged in the development and approval of the policy?</p> <p>Have dog owners and the general community been kept informed and provided with opportunities for input?</p>
Reviews	<p>How frequently will dog policy be reviewed?</p>

Key Points

The development of a council's dog policy is an opportunity to discuss and debate dog control issues with the community (including both dog owners and non-dog owners). It will confirm the mandate or level of support for the council's approach. It will also review the appropriateness of the compliance and enforcement strategies and check alignment across dog control issues, resources, policy, capacity and practice.

Many of the tools and techniques described in the policy are capable of achieving multiple objectives, and/or reinforcing a council's approach to dog control.

2.8 Resources and Training

2.8.1 Resources

New Zealand has a range of environments, diverse geography and landscapes. There are centres of concentrated population, areas where the population is more evenly distributed and areas that are sparsely populated. The circumstances of councils are correspondingly diverse.

The predominant dog control issues of a council's district will also vary. So too will the resource available, level of support that is provided by other agencies, degree of isolation and availability of communication infrastructure (i.e. cell phone coverage). Animal control officers in rural areas are more likely to become involved with other animals in addition to dogs.

It is important that alignment is maintained between the issues faced by the council, the resources and funding made available, the approach taken to dog control and the activities undertaken as a consequence.

This will necessarily involve the support of other services within the council. For example, other council staff can assist by reporting roaming dogs or dogs behaving badly. The history of the dog, the history of the dog's owner and the extent to which there may be risks to safety is important. Other officers should be informed if they are likely to be entering an unsafe situation (as should central government officials or other workers who enter residential premises).

These matters emphasise the value of local knowledge and the importance of internal systems for the collection and dissemination of relevant information.

The purpose of dog control is to increase public safety, which involves mitigating and taking appropriate action in response to risk. In addition to giving effect to public safety considerations, it is essential to ensure the safety of dog control personnel. This will require safety equipment, training, sound operational policy, supervision and peer support.

Occupation Safety and Health (OSH) requirements are important considerations in this area. One aspect of this is having protocols in place should threats of physical harm

against council staff be made. For example, any threats of the use of a firearm should be reported to the Police. Counselling should also be available following incidents that either individually or in combination over time, affect the wellbeing of dog control officers.













2.8.2 Training

Dog control officers are appointed under section 11 of the Dog Control Act. In considering an appointment, a council must be satisfied that the candidate has, or can quickly gain, the education, experience and competency “to perform the duties and exercise the powers of a dog control officer under [the] Act.” Ongoing development and training enhances the professionalism of officers and takes advantage of the benefits of new technologies and improved practices. Some councils are able to establish and maintain opportunities for professional development. More commonly councils train staff ‘on the job’.





Much can be learned on the job, under supervision, and from other staff. In addition, formal qualifications are available through the New Zealand Institute of Animal Control Officers (NZIACO). Courses on particular topics may also be available through academic, commercial or professional bodies. The Society of Local Government Managers and NZIACO websites, Local Government New Zealand working groups, branch meetings of NZIACO, conferences and informal networks provide opportunities to share information.

Training is another area where savings or better value may be obtained by neighbouring councils coming together and coordinating or sharing opportunities.

The following areas of knowledge are sufficiently important that dog control officers should have a basic level of understanding

-  bite prevention training
-  animal handling and behaviour (for as broad a range of animals as officers will be expected to be able to deal with in their position)
-  animal welfare (for as broad a range of animals as officers will be expected to be able to deal with in their position)
-  techniques for diffusing tension and dealing with difficult people
-  awareness of, and competency in, any supporting infrastructure and technologies provided
-  first aid
-  the Dog Control Act 1996 and statutory requirements
-  council policy and processes, registration and other fees, enforcement options, record-keeping and due process
-  judicial processes, investigation and interviewing techniques
-  communication skills
-  being an expert witness, and
-  relationship management.

Good practice examples

-  provide an induction and buddy system for new employees
-  document guidance and information on procedures
-  provide safety equipment (bite protection gloves, pole snares and training on their use), and
-  ensure officers can buddy-up if they are called to known 'hot spots'.

Key Points

People working in dog control activities face a variety of situations and a degree of risk that should be recognised and appropriately provided for, with safety gear, training, sound operational policy, supervision and peer support.

3 ENFORCEMENT

The Dog Control Act provides for a range of penalties in response to incidents that may occur. The penalties are aimed at achieving legislative compliance, reducing the risk of harm or injury by dogs, penalising dog owners for incidents that have occurred, and preventing re-occurrences.

Penalties include: infringement notices, seizure and impounding, classification of dogs as dangerous or menacing, classifying owners as probationary, disqualifying owners and a dog's destruction. Table 3 shows the range of enforcement measures and their primary rationale.




Table 3 – Range of enforcement measures and their primary rationale

Enforcement measures	Primary rationale for penalty
enforcement generally	deterrent
seizure	establish / communicate owner responsibilities
impounding	establish / communicate owner responsibilities
classify dog as dangerous or menacing	Deterrent (classification itself and increased registration fees) prevention / reduction of risk (elevated controls on dogs classified as dangerous)
late fees	incentive to pay on time
infringement fees	immediate sanction for poor owner behaviour
prosecute – fine, imprisonment	major sanction for breach of responsibility
place owner on probation	prevention / sanction
disqualification from owning dog	prevention / sanction
destruction of dog	prevention
removal of barking dog	prevent future occurrence / future nuisance
liability for damage caused (remedy that can be ordered by Court)	reparation

These measures are available under the Dog Control Act, directly under specific sections or indirectly through the working of a combination of sections. They can be described as falling into four main groups

1. The Act provides powers to seize dogs, for their removal, for their impounding and for them to be retained in custody in a range of circumstances. These powers are used primarily where there is a risk to safety or an offence has occurred.
2. The Act provides for dogs and dog owners to be classified where events have occurred or criteria have been met. In the case of the classification of dogs, additional obligations are imposed to mitigate increased risk. In the case of the classification of owners, a dog owner's ability to lawfully own a dog is removed or continued in very limited circumstances for a period of time.
3. Significantly the Act provides for two levels of offences. There are sections that establish offences capable of being proceeded with by way of infringement notice, resulting in an infringement fee, without conviction. In more serious circumstances, offences may be proceeded with under the Summary Offences Act, potentially resulting in summary conviction and a fine. The most serious offences are the subject of court proceedings potentially resulting in a conviction, a significant fine and the possibility of imprisonment.
4. The Act also provides for the destruction and disposal of dogs in certain circumstances, by dog control officers, by court order and in specific and limited circumstances by members of the public.

The availability of this range of enforcement measures requires decisions to be made about what is the most appropriate and effective course of action to prevent further incidents, based on the following questions

-  what has occurred and how is this established?
-  what are the appropriate actions to be taken?
-  are the consequences appropriate for the circumstances?

Investigation and collecting evidence will determine what occurred, what is alleged and what can be established as fact and, with the exercise of judgment, whether enforcement action is taken.

If, for example, no offence occurred, it might be appropriate to offer advice or information to raise awareness. If an offence occurred, it might be appropriate to issue either an informal warning or a formal written warning which is recorded and forms a part of the history of the dog and the dog's owner.

Matching the seriousness of what has occurred to the appropriate consequences, including the appropriate escalation for repeated offences in respect of the same dog and dog owner is central to enforcement activity.

Penalties may be applied separately or concurrently (for example, seeking a conviction of the dog's owner and the classification of the dog as dangerous or menacing) so that the consequences can be matched to the seriousness of what has occurred.

The relevant kinds of factors and considerations are indicated in Table 4. They relate

to what occurred in the wider sense – causation, provocation, prevention, impacts and responses to what has occurred.

Table 4 – Factors for consideration in applying penalties

preventative / mitigating factors	behaviour of victim (i.e. supervision) location of incident (i.e. public domain, private land, dog's territory) age, health of dog behaviour of dog (i.e. startled, feeling threatened, dog protecting family, food or pups) extent of control exerted over dog (i.e. fencing, containment, owner present)
impacts	severity of injuries (i.e. scarring, loss of function etc) rehabilitation period (i.e. time off work etc) age / health of victim extent and persistence of aggression and/or attack extent of trauma/shock
exacerbating factors	history of dog (complaints and/or previous offences) attitude of dog owner (response to situation, willingness to accept responsibility) registration status of dog likelihood of recurrence history of owner (complaints and/or previous offences) owner's knowledge of their dog's behaviour negligence, recklessness or disregard

A council should provide clear guidance in its operational policy on the processes and steps to be followed, and the considerations to be applied, in making decisions on enforcement. This will also ensure that consistency is achieved, providing 'fairness' between dog owners where 'like is treated as like'. Significantly, it also provides for greater certainty in the consequences, which is important for deterrence.

Recording this process is most important to support whichever action is selected. A record sheet used by the Far North District Council is given in Appendix 1 as an example of both providing guidance to decision-making and record-keeping.

The selected enforcement measure will determine the pathway to be followed, the requirements of the process to be observed and the resulting consequences. The dog owner needs to be informed of the options that can be considered and their corresponding consequences. There may also be options open to the dog owner as well, particularly if the surrender of the dog and/or compensation are possible options.

Care needs to be taken in the way this information is provided and the way options are discussed to guard against the perception that a dog's owner may be making decisions under duress. For example, in South Waikato District, interviews between dog control officers and a dog's owner are taped. The measures available to the council and possible options available to the owner are discussed at the end of the interview while the session is still being recorded. In Tauranga, where a dog has been responding aggressively but no offence has been committed, the dog's owner is given and taken through a letter which sets out the relevant information. The letter also provides a record and enables the owner to consider the implications. A copy of Tauranga City Council's letter is given in Appendix 2.

In determining which enforcement measures to use other factors, such as ability to pay may be taken into consideration.

Some councils have trialled various ways of not proceeding with enforcement action where it may have commenced, or would otherwise commence, where they are confident that lessons have been learned and a repeat of the behaviour or incident is unlikely. Some incidents may be dealt with by a warning or requiring some specific action (such as fencing), if that is appropriate.





The attitude of the dog owner/s will be a central consideration. This is a subjective area where it is desirable to apply the experience and judgment of senior staff.

Enforcement is an area where strong relationships can assist. For example, the effectiveness of infringement notices can be subject to the immediacy of the penalty. Having a relationship with court collection staff can assist in ensuring that, where necessary, cases receive priority.

Under the Veterinary Council of New Zealand's Code of Professional Conduct, veterinarians must regard information concerning an animal that arises out of the treatment of that animal as confidential to the owner. When the public or animals may be endangered, and the veterinarian determines that there is a legal obligation to divulge information in the public interest, veterinarians are obliged to make every reasonable effort to obtain the co-operation of the client before taking action.

As such, vets encountering situations of unregistered/dangerous dogs will first seek the owner's co-operation. If this is not forthcoming and the vet considers they have made every reasonable effort they will pass the information on to dog control officers.

Good practice examples

-  effectively use dog policy to indicate how council will utilise the Dog Control Act's enforcement mechanisms
-  ensure consistency across council dog policy and operational policy, to provide guidance to assist in decision-making and spell out the steps and procedures to be followed
-  consider the use of the enforcement mechanisms available, including: warnings, infringement notices, seizure and impounding, classification of dogs as dangerous or menacing, classifying owners as probationary, disqualifying owners, prosecution and a dog's destruction, and
-  apply consistent decision-making and clear communication, supported by robust investigation, which is clearly documented and recorded.

Key points

Protecting public safety is the aim of enforcement activity.

The premise of enforcement draws on three key questions

- what has occurred and how this is established?
- what are the actions to be taken?
- are the consequences appropriate to the circumstances?





Matching the seriousness of what has occurred to the appropriate consequences, including the appropriate escalation for repeated offences in respect of the same dog and dog owner, is central to enforcement activity.

3.1 Complaints

Complaints generally arise where members of the community become concerned about nuisance or as the result of non-compliance with the Dog Control Act.

Responding to complaints is at the core of dog control activities, often in circumstances involving conflict or where conflict is emerging. A good understanding of dog control issues, sound operational policy and available resources provides the basis for timely and appropriate responses.

Response to complaints can

-  facilitate early intervention to prevent a more serious event occurring or further harm or nuisance
-  reinforce sanctions (increase certainty of consequences)
-  provide opportunities to raise awareness and provide information to improve public knowledge of dog control issues, and
-  encourage the public to report problems contributing to a compliance culture.

On investigation, a dog control officer will need to assess the situation and decide on the appropriate action. Immediate action to restrain or remove the dog/s may be required. Most likely, follow-up work and investigation will be required.

Most attack complaints are received after the fact and it is unlikely that a dog control officer responding to a complaint would find an attack in progress. Councils should try to respond as soon as possible to complaints involving aggressive or attacking dogs.

It is especially important then, that the people receiving the complaint know what information they should request from the caller, and what information and advice they should provide. Call centres are increasingly the first point of contact and it is important that the information exchanged is complete and accurate. The necessary information needs to be conveyed to the responding dog control officer so that they are as informed as possible about what to expect on arrival.

Complaints may be categorised in operational policy to assist in determining the appropriate response. For example, complaints may be classed as

Urgent	associated with physical harm to people or the dog, complaints involving aggressive behaviour by a dog, especially where there is an immediate threat or the threat of further aggression,
Moderately urgent	associated with recent, ongoing nuisance with little prospect of physical harm, and
Non-urgent	associated with past nuisance.

Earlier response times are consistent with more serious incidents and the seriousness of the enforcement action that may follow. The collection of evidence is made easier where investigation happens as soon as possible after the incident. The nature of the complaint is also relevant. For example, is the complaint about barking, roaming or fouling? Each may be associated with a different potential risk of harm.



Appropriate resolution of complaints can diffuse tensions and contribute to building community support. This may be aided where a council is able to provide remedial advice or assistance in the case of nuisance dogs such as those who are continually barking.






Monitoring complaints also provides valuable information about potential dog control issues, the location of possible 'hot spots', assists dog control activities and can inform operational policy and dog policy reviews.

The types of complaints and time taken to respond can be heavily influenced by the nature of the district, its physical features, its population and the infrastructure available. Dog barking complaints are more likely where population densities are higher. Consequently, monitoring responses to complaints within prescribed timeframes may not be the best measure.

It may be preferable to prescribe the time between the receipt of the complaint and the time a dog control officer makes contact with the complainant (30 minutes, for example). The officer on gaining a fuller understanding of the situation can agree when an officer will attend with the complainant. Observance of these time frames can then be monitored.

Good practice examples

-  accurately record complaints received
-  provide call centre staff with specialist training in dog control issues

-  the nature and urgency of the complaint is the key determinant of a timely response
-  clearly recognise possible offences and their seriousness, and follow up with appropriate action
-  provide feedback to the complainant on the outcome of the complaint and information on further action
-  monitor complaints and corresponding actions to provide information to assist issue identification, development and fine-tuning of dog policy and operational policy and contribute to a whole-of-council approach, and
-  discuss and agree levels of service (such as hours of coverage, responding to complaints after hours etc) between the council and the community (either directly in a council dog policy or by reference to LTCCP/Annual Planning processes).

Key points




Complaints alert councils to dog control issues and are often the point of first contact. Clear communication and accurately collecting and imparting information is essential. Response times should be appropriate to the circumstances. Establishing what occurred is the central focus.

3.2 Classification

The Dog Control Act provides for the classification of dogs, as either dangerous or menacing, based on whether they pose a threat. Appendix 3 shows a diagram summarising the classification of dogs. The Act recognises dog owner responsibilities by providing for their classification as either probationary or disqualified.



3.2.1 Dangerous and menacing dogs

Under section 31 of the Dog Control Act, councils must classify a dog as dangerous if

-  the dog owner has been convicted under section 57A(2) of the Act, that is, where their dog “rushes at or startles any person or animal in a manner that causes any person to be killed, injured or endangered, or any property to be damaged or endangered, or rushes at a vehicle in a manner that causes or is likely to cause an accident”, or
-  the council has reasonable grounds to believe that the dog is a threat to the safety of people, and other animals such as stock, domestic animals or protected wildlife, on the basis of sworn evidence attesting to aggressive behaviour on more than one occasion, or
-  the dog’s owner admits in writing that the dog is a threat to public safety.

Additional controls imposed on dogs classified as dangerous are neutering, secure fencing, muzzling and leashing in public, higher registration fees, and council approval of the dog being given to other people. There is also the requirement to advise any temporary or new owner of these requirements.

Dogs are primarily classified as menacing because

-  the council considers a dog may pose a threat to people or animals on the basis of observed or reported behaviour or characteristics typically associated with the dog's breed or type (section 33A), or
-  the council reasonably believes that a dog is wholly or predominantly of a breed or type of dog listed in Schedule 4 of the Dog Control Act (section 33C).

Councils have the discretion to classify a dog as menacing under section 33A, but must classify an individual dog of a listed breed or type as menacing under section 33C.

Councils currently have the discretion to require dogs to be neutered if they are classified as menacing under either section 33A or 33C. All dogs listed as menacing must be muzzled in public.

A dog's owner may object to a classification of menacing that is made under section 33A, as provided for in the Dog Control Act.

Councils must classify a dog as either dangerous or menacing if the owner of the dog has been convicted of an offence of attacking under section 57(2) or rushing under section 57A(2)(a) and the court does not order the dog to be destroyed. However, under section 33ED the council has discretion not to classify a dog as dangerous or menacing if it is satisfied that the circumstances were exceptional and do not justify such a classification.




In the same way as other decisions under the Dog Control Act, decisions on the classification of a dog as menacing or dangerous depend on the extent of the risk of harm after consideration of the relevant factors. Councils often develop frameworks as a part of their operational policy to assist dog control officers in making such decisions. A simple example capturing many of the considerations is shown as Table 5 on the following page.

Table 5 - Example of Classification Guidelines – sourced from Matamata-Piako District Council website.

Scale	Attack Circumstances	Injury	Victim Impact	Action Taken
1	Victim rushed at, no physical contact made. Dog aggressive and menacing.	No injury to victim.	Low	Verbal/written warning.
			High	Written warning.
2	Victim rushed at, physical contact made. Dog aggressive and menacing.	Minor/no bite marks to victim, bruising, minor laceration.	Low	Written warning. Reparation for torn clothes.
			High	Written warning. Reparation for torn clothes. Menacing dog classification.
3	Victim rushed at, physical contact made. Dog aggressive and menacing.	Minor injury to victim with bite marks and swelling to bite area.	Low	Menacing dog classification.
4	Victim rushed at, physical contact made. Dog aggressive and menacing.	Injury to victim, bite marks, laceration and swelling.	Low	Dangerous dog classification.
			High	Dangerous dog classification. Possible prosecution.
5	Victim attacked, physical contact made. Dog very aggressive and dangerous.	Limited external injury to victim that required medical care.	High	Dangerous dog classification. Possible prosecution.
6	Victim attacked, physical contact made. Dog very aggressive and dangerous.	Limited external injury to victim that required doctors medical surgery, serious lacerations requiring medical repair.	High	Dangerous dog classification. Prosecution.
7	Victim attacked, physical contact made. Dog very aggressive and dangerous.	Severe external injury to victim that required hospitalisation.	High	Prosecution.
8	Victim attacked, physical contact made. Dog very aggressive and dangerous.	Severe external injury to victim that required hospitalisation and major surgery to affected limbs.	High	Prosecution under s57(2). Possible prosecution under s58.
9	Victim attacked, physical contact made. Dog very aggressive and dangerous.	Severe external injury to victim that required hospitalisation and major surgery to affected limbs and possible reconstruction or microsurgery.	High	Prosecution under s57(2) and prosecution under s58.



Other factors such as the history of the dog's offending, the dog's observed level of aggression, an owner's readiness to accept responsibility and the likelihood of a reoccurrence should also be considered. It is noted that the table is focused on attacks on people, whereas attacks on other animals may also occur and be an issue. An attack on a ridden horse is considered an attack on a person.

Good practice examples

-  provide muzzles and fitting advice when releasing impounded dogs that have been classified as menacing or dangerous
-  provide information and advice to owners to assist them in dealing with behaviour problems, and
-  provide information on appropriate obedience training courses.

3.2.2 Owners on probation

Dog owners may be placed on probation for a period of up to 24 months

-  on the basis of a conviction under the Dog Control Act (not being an infringement offence) or specified offences under the Animal Welfare Act 1999, the Conservation Act 1987 and National Parks Act 1980, or
-  if the owner commits three or more infringement offences under the Dog Control Act within a period of 24 months.

A person classified as a probationary owner is unable to be the registered owner of a dog unless they were the registered owner of the dog at the time they became a probationary owner. Owners are required to give up their ownership of any unregistered dogs they may have in their possession within 14 days of being made a probationary owner. However, they may keep registered dogs owned at the date they were made a probationary owner. A probationary classification applies throughout New Zealand. The Dog Control Act provides for penalties to be imposed for failing to comply with the Act.


A council may require a probationary owner to undertake, at their expense, a dog owner education programme.


An owner classified as a probationary owner can object to the classification as provided for in the Act.

The Dog Control Act requires councils to maintain records in respect of probationary classifications and provides for the provision of such information to other councils in some circumstances.

3.2.3 Disqualified Owners

Unless a council considers disqualification is unwarranted or the council classifies the owner as probationary, a council must disqualify a dog owner from being an owner of a dog if the owner

-  commits three or more infringement offences under the Dog Control Act within a period of 24 months, or

 is convicted under the Dog Control Act (not being an infringement offence) or, commits specified offences under the Animal Welfare Act 1999, the Conservation Act 1987, National Parks Act 1980.

The period of disqualification is specified by the council (up to maximum of 5 years). Within 14 days of the date of the notice of classification, the disqualified owner must dispose of every dog owned, in a manner that does not contravene the Dog Control Act. A disqualification applies throughout New Zealand. The Act provides for penalties to be imposed for failing to comply with the Act.

An owner classified as disqualified can object to the classification as provided for in the Act.

The Act requires councils to maintain records in respect of disqualifications and provides for the provision of information to other councils.



A council may want to develop a matrix of the circumstances which would warrant disqualification and the period of that disqualification. An example, for illustrative purposes only, is set out in Table 6 below.

Table 6 – Dog owner disqualification guidelines

Disqualification period				
5 years	4 years	3 years	2 years	1 year
Previous convictions under s57* or s57A* where disqualification was not given by council	Convictions under s57 or s57A where the outcome of the offence was serious and previous warnings and/or offences relate	Convictions under s57 or s57A where the outcome of the offence was not serious and previous warnings and/or offences relate	Convictions under s57 or s57A where the outcome of the offence was not serious	Convictions under s57 or s57A where the outcome of the offence was not serious
Convictions under s58*	Convictions under s57 or s57A where the outcome of the offence was serious		Convictions under s57 or s57A where the outcome of the offence was serious and the owner was a first time offender	Convictions under s57 or s57A where the outcome of the offence was not serious and the owner was a first time offender

* Dog Control Act 1996: section 57 - Dogs attacking persons or animals; section 57A - Dogs rushing at persons, animals, or vehicles; section 58 - Dogs causing serious injury

Good practice examples

-  councils should seek disqualification of owner on prosecution for serious offences under sections 57 or 58 of the Act (see prosecution section), and
-  councils should explain to disqualified owners the process of reviewing the classification and the matters the councils may take into account.




Key Points

The Dog Control Act provides for the classification of dogs as menacing or dangerous. It also provides for the classification of owners as probationary owner or disqualified owner. Councils should develop frameworks to guide their discretion under the Act in relation to classification.

3.3 Seizure and Impounding

The seizure and impounding of dogs is a necessary and effective enforcement tool. It can prevent further incidents occurring, some of which may be serious. It may also be necessary after an incident has occurred.



In some cases it will be appropriate to seize and impound the dog as the first course of action. This will usually be based on

-  the seriousness of the attack
-  the continued threat to the community and the likelihood of further incidents, and
-  the registration status of the dog.

On many occasions it will be appropriate to return a captured dog to its owner if they can be identified and contacted. For example, the first time a dog has been found roaming it could be returned to the owner under section 52(3) and the opportunity taken to provide information and education, perhaps including advice on better containment. A record should be kept of the event.

On other occasions a roaming dog may need to be impounded. The owner should be contacted promptly and informed of their dog's whereabouts. If appropriate to do so the dog may be released on payment of the appropriate fees. Unclaimed dogs may be disposed of after seven days.

In some circumstances, a dog will be retained in custody after seven days, even where the dog has been claimed by the dog's owner who has paid the fees, because

-  the dog has been seized under sections 57 or 57A and the owner is going to be prosecuted under one of sections 57, 57A or 58, or
-  Council considers that the release of the dog would threaten the safety of any person, stock, poultry, domestic animal or protected wildlife.

If the decision has been made to hold the dog in custody, the dog owner must be given a notice in the prescribed form pursuant to section 71(3) (Form 9).















A shelter can on occasion become a high-profile public facility. It can be described as needing the disease prevention components of a hospital, the functional capabilities of a Police station and the user-friendly appeal of a library. Some shelters may also house the office for animal control services and are sometimes referred to as 'Animal Care Centres' or 'pounds'.




Impounded dogs should be kept safe and secure and provided with food and fresh water daily. Except in extreme circumstances dogs should be regularly exercised. Shelters should be kept clean and in a good state of repair.

Dogs that are or become injured, sick or unwell must be assessed by a veterinarian as soon as possible, and receive appropriate treatment. All impounded dogs released must be registered and microchipped as necessary. All relevant fees (microchipping, neutering, registration, sustenance, infringement fees) must be paid in full before a dog is released.

All dogs classified as dangerous or menacing must be muzzled when released and it may be appropriate to provide owners with advice on the fitting of muzzles.

Good practice examples

-  handle all dogs in a humane way with consideration for the animal's welfare
-  minimise the time a dog spends in vehicles to avoid heat stress
-  do not subject dogs to painful, adverse or unpleasant stimuli
-  ensure dogs receive appropriate medical attention
-  isolate and promptly euthanise dogs infected with parvo virus
-  take all necessary steps to prevent accident or injury to staff
-  leave a seizure notice for the dog's owner, inform the owner promptly that their dog has been impounded, of the relevant registration and microchipping requirements and the fees payable to secure release
-  take care to ensure dogs remain separated, except where they are suitably matched for exercising together
-  provide bitches and their pups with extra warmth and separate them from other dogs
-  provide safety equipment and ensure it is used, handle any dog considered dangerous using safety equipment
-  kennel aggressive dogs in an area off limits to the public
-  accurately record a dog's details in the impound register, maintain a record of care while a dog is impounded
-  microchip claimed unregistered dogs before release and microchip claimed registered dogs impounded for the second time before release
-  only release dogs to their owners or duly authorised agents after all outstanding fees (registration, infringement, sustenance, microchipping) have been paid in full

-  provide muzzle-fitting advice to owners of dogs classified as dangerous or menacing, and ensure the dogs are muzzled when released
-  do not destroy or rehome/adopt a dog until it has been impounded for at least seven days, and
-  do not exempt an owner from enforcement action being taken, even if release, destruction or rehoming/adoption has occurred.









Key Points

The seizure and impounding of a dog is a necessary enforcement tool. The council is responsible for the dog including its care, welfare and security while it is impounded.

3.4 Rehoming and Adoption

Making dogs available for rehoming/adoption provides an opportunity for people to enjoy the companionship of a dog. Such dogs should be assessed to ensure that they are unlikely to pose a risk of harm to anyone and to ensure that they are being placed in a suitable home.

Good practice examples

-  only consider dogs for rehoming after careful evaluation
-  do not rehome dogs with a known history of aggression or that have been classified as dangerous or menacing
-  register, microchip, vaccinate and neuter all rehomed dogs (as appropriate)
-  consider the appropriateness of 'match' between dog and prospective owner and 'home' environment (size and nature of prospective owner's property, size and nature of dog, recreation requirements of dog, whether prospective owners have other pets etc)
-  do not rehome dogs to a location that is in the vicinity of their previous home
-  supply registration forms and dog tags to RNZSPCA, SPCA and humane societies to enable speedier processing of rehomed dogs
-  advertise dogs on a web site with a profile including a photograph after 2-3 days with a disclaimer that the dog may be reclaimed, and
-  reduce/waive registration fees for rehomed dogs for the first year of registration.

Key Points

Where appropriate, rehoming and adoption of impounded dogs provides a valuable alternative to destruction.

3.5 Infringements

Infringements are a significant enforcement tool in the scheme of the Dog Control Act. They are both a deterrent and a sanction. The certainty of the penalty is made more effective when there is certainty in respect of their use.






The general ability of councils to issue infringement fees and fines grew out of the need for a simple means to address frequent but low-level offending. The prime example was parking tickets. Infringements are recognised for being effective and immediate on the spot' sanctions and over time the use of infringements as an enforcement tool has grown.

It is significant to note that infringement offences are offences that could otherwise be proceeded with in the courts. Issuing an infringement notice ensures speedier completion and avoidance of a conviction being entered against the offender's name. In this way, less serious and less complex matters are diverted from the courts.

The Dog Control Act provides a choice requiring the exercise of judgment. Decisions need to be made as to whether an offence has occurred, whether the facts support enforcement action being taken, and what action should be taken (infringement or prosecution). Matters that could be taken into consideration are set out in Table 3.

Schedule 1 of the Dog Control Act lists those offences for which infringement notices may be issued (and the corresponding infringement fee). These are provided in Table 6 of these guidelines.





There are 27 infringement offences and the infringement fee ranges from \$100 to \$750. Different offences incur different penalties, indicating the seriousness with which the offence is regarded. Table 6 identifies the following types of offences

-  'regulation' type offences that support and reinforce the scheme of the Dog Control Act and the importance of registration (failing to register a dog)
-  offences that impose general obligations (owner must carry a leash when out with their dog)
-  offences that impose specific obligations (failure to comply with effect of a dangerous classification, animal welfare)
-  offences that address nuisance (barking dogs), and
-  offences that support and reinforce the scheme of the Dog Control Act, but also address an element of obstruction, deceit or dishonesty, and so carry a higher penalty (false statement relating to registration).






A review of council dog policies shows that some councils have imposed restrictions on the way they would use infringement notices as an enforcement tool. Some have included a schedule listing those offences that may incur an infringement notice. In most cases, fewer offences are listed than are listed in Schedule 1 of the Dog Control Act. The reduced list may arise from a decision to prosecute some offences rather than issue infringement notices or because amendments to the Act have not been incorporated into councils' dog policies. In either case imposing restrictions on the range of available enforcement options is not considered to be good practice.

Another refinement is where councils distinguish between offences for the purpose of issuing warnings. This is where warnings may be given for a first offence of some types of offences, where an infringement notice is normally issued (but not for others). In general it is good practice to first give a warning, which provides the opportunity to seek an explanation and to provide advice, before issuing an infringement notice on a repeat of the offence.

Exceptions may arise where

-  registration is strictly enforced
-  there is an element of deceit, wilfulness or obstruction on the part of the dog owner in the manner of offending
-  the seriousness of the offence merits issuing an infringement notice in the first instance, or
-  the council may be seeking to provide a stronger signal about the seriousness of the offence.

Good practice examples

-  provide certainty using dog policy to indicate the intent to use the range of infringement provisions available
-  provides guidance about the escalation path for repeat offence in dog policy and operational policy
-  issue an infringement notice where it has been established that an offence has occurred and all the elements of a charge can be proven
-  record the offender's full details (or as full as possible) when issuing an infringement notice to speed up the process, including full name (including middle names), address, gender, and date of birth, and
-  only waive infringements (once the notice is issued) in exceptional circumstances

Key Points




Infringements are a key part of effective enforcement and provide a deterrent by imposing a simple, clear and speedy penalty. They are an effective enforcement tool where proceeding with a prosecution is not merited.

3.6 Prosecution

The majority of offences under the Dog Control Act are summary offences, able to be proceeded with by way of infringement notice or by way of summary prosecution. Infringement fees are prescribed in Schedule 1 of the Act.

Prosecution results in fines being set by the court in addition to the possibility of the court ordering the destruction of the dog/s and other penalties. Serious offences brought under either section 54(2) or 58 of the Dog Control Act can result in a term of imprisonment being imposed. These offences are listed in Table 7, with their corresponding infringement and maximum fine on summary conviction shown in the columns in the right.

The Dog Control Act also provides for a number of offences that are not summary offences. The more important, relating to dog attacks, include

-  the owner of a dog prosecuted under section 57, Dogs attacking person or animals, is liable on summary conviction to a fine not exceeding \$3,000
-  the owner of a dog prosecuted under section 57A, Dogs rushing at persons, animals, or vehicles, is liable on conviction to a fine not exceeding \$3,000. Provision is also made for the liability of the dogs owner for any damage caused by the dog, and
-  the owner of a dog prosecuted under section 58, Dogs causing serious injury, is liable on conviction to imprisonment for up to 3 years or to a fine not exceeding \$20,000, or both.








In addition, under section 63, a dog's owner may also be liable for damage done by their dog.

Proceeding with a prosecution through the courts can be a costly undertaking. It is important therefore to ensure that investigations are thorough and that due process is strictly observed. On the completion of an investigation consideration needs be given to the adequacy and weight of the evidence.

Crown Law Prosecution Guidelines (March 1992) note that in *"making a decision to initiate a prosecution there are two major factors to be considered; evidential sufficiency and the public interest"*.

In relation to public interest the Prosecution Guidelines note that *"Generally, the more serious the charge and the stronger the evidence to support it, the less likely it will be that it can properly be disposed of other than by prosecution"*.

The Prosecution Guidelines also set out other factors that may be considered in determining whether the public interest requires a prosecution, including

-  the seriousness or, conversely, the triviality of the alleged offence, i.e. whether the conduct really warrants the intervention of the criminal law
-  all mitigating or aggravating factors
-  the degree of culpability of the alleged offender
-  the effect of a decision not to prosecute on public opinion
-  the prevalence of the alleged offence and the need for deterrence
-  the likely length and expense of the trial, and
-  the likely sentence imposed in the event of conviction with regard to the sentencing options available to the Court.

Serious offences generally warrant the destruction of the dog. Councils may consider a prosecution is appropriate because a destruction order is required. If the dog is then voluntarily surrendered, a council may review the need to prosecute.

Continuing a prosecution, despite a dog being surrendered to a council for destruction, should be considered for serious cases or where there is a history of offending including previous serious offences.

Key Points

The majority of offences can be both infringement offences and summary offences. A decision to prosecute should consider the sufficiency of evidence and the public interest, and may include consideration of a wide range of other factors.

Table 7 Offences under Dog Control Act 1996

Section	Offence	Infringements (\$)	Summary Conviction (\$ or prison term)
62(5)	allowing dogs known to dangerous to be at large unmuzzled (owners obliged to advise person in possession < 72 hrs)	100	500
54A	owner must carry leash in public	100	500
49(4)	transfer of a dog from one district to another	100	500
48(3)	change of ownership of a dog	100	500
33F(3)	owner must advise person with possession ... dangerous menacing dog ... muzzled in public	100	500
55(7)	barking dogs	200	1,500
53(1)	offence for failing to keep dog under control	200	3,000
52A	control of dogs generally	200	3,000
62(4)	allowing dogs known to dangerous to be at large unmuzzled (owners offence)	300	3,000
54(2)	obligations of owner	300	5,000 or 3 months
42	failing to register dog	300	3,000
36A(6)	microchip transponder must be implanted in certain dogs	300	3,000
33EC(1)	fail to comply with 33E(1) (effect of menacing classification) or 33EB (TA require dog to be neutered)	300	3,000
32(2)	fail to comply with effect of dangerous classification	300	3,000
23A(2)	TA may require probationary owners to undertake training	300	3,000
20(5)	dog control bylaws (242(2) of LGA 02)	300	20,000
51(1)	offences relating to collars and disks	500	3,000
46(4)	issue of label or disc and completion of registration	500	3,000
32(4)	fail to comply with effect of dangerous classification (sale/transfer of dangerous dog without disclosure)	500	3,000
72(2)	offence to release dog from custody	750	3,000
41A	dead dogs	750	3,000
41	false statement relating to registration	750	3,000
28(5)	effect of disqualification	750	3,000
24	probationary owners to dispose of unregistered dogs	750	3,000
19A(2)	police/dog control officer, dog ranger request for information about dog	750	3,000

19(2)	police/dog control officer, dog ranger request for information about owner	750	3,000
18	wilful obstruction of dog control officer, dog ranger	750	3,000
64(6)	order for destruction of dog		3,000
78(3)	regulations		3,000
57(2)	dogs attacking persons or animals		3,000
57A(2)	dogs rushing at persons, animals or vehicles		3,000
58	dogs causing serious injury		20,000 or 3 years
61	orders relating to dogs seen worrying stock		150 per day

- regulation
- nuisance
- mixture of nuisance and failure to observe general obligations to control dog (general safety)
- failure to observe owner general obligations to control dog (general safety preventative)
- failure to observe owner specific obligations imposed under the Dog Control Act to control dog (targeted preventative intervention)
- obstruction, wilful disobedience/dishonesty
- animal welfare
- actual harm, injury to persons, animals or property (punitive, retribution)

3.7 Destruction









The destruction of dogs is an area where sensitivity is required. Destruction (euthanasia) must be carried out in a humane manner (instantaneous, painless for the dog), preferably by lethal injection using the services of a veterinarian.

If a firearm or captive bolt pistol is to be used, the dog should be held securely and restrained by some means that does not involve the person with the weapon. The shot must be delivered in a manner to ensure death is instantaneous.

Similarly, disposal is also sensitive. Increasing pressure on access to disposal facilities is noted, with access to offal pits and disposal in landfills becoming more constrained. It may be appropriate for councils to investigate opportunities to access other facilities where they exist, such as commercial incinerators. Incineration may be a good option depending on costs, which may vary. One council has chosen incineration as the most sensitive option.

Dog Control Officers should be familiar and comply with the relevant Codes of Welfare recommended by the National Animal Welfare Advisory Committee (NAWAC) to the Minister of Agriculture – see www.maf.govt.nz

Good practice examples

-  where possible, euthanasia must be carried out by a registered veterinarian
-  carry out euthanasia in a place off limits to the public
-  remove collars before disposal
-  place dead animals in a disposal bag, so as not be viewed by the public when transported to a disposal facility
-  disposal facilities should be secure and, where possible, away from public areas
-  where possible, offer support where required to staff involved in euthanasia
-  where possible, recognize the 'care giver' role of shelter staff by using other staff to carry out destruction and disposal, and
-  where possible, ensure staff share the task of euthanising dogs to avoid prolonged exposure to this task.



Key Points

Emotional ties and feelings for dogs can make their destruction and disposal difficult. Community and personal sensitivities need be recognised.




3.8 Monitoring

Monitoring is an essential part of the policy development and implementation cycle. It assists in identifying issues and priorities for attention, provides feedback on changes in local circumstances, and demonstrates the effect of dog control activities in general and any initiatives in particular.

Section 10A of the Dog Control Act requires territorial authorities to publicly report each financial year on

-  the administration of their dog control policy and their dog control practices (Section 10A(1)), and
-  a variety of dog control related statistics (Section 10A(2)).





One of the primary purposes of these reports is to allow communities to see how their local council is managing its dog control responsibilities. Section 10A(3) of the Dog Control Act requires that a council must give public notice of the report by means of a notice published in

-  one or more daily newspapers circulating in the council district, or
-  one or more other newspapers that have at least an equivalent circulation in that district to the daily newspapers circulating in that district, and
-  by any means that the council thinks desirable in the circumstances.


Section 10A(4) of the Dog Control Act also requires that a council must send a copy of the report to the Secretary for Local Government within one month after it has been formally adopted by the elected members of the council. Ideally these reports should be sent to the Department of Internal Affairs by the end of October after the financial year has finished.


The requirements of the Dog Control Act are relatively minimal in terms of effective monitoring. Though a minimum of value can be gained from a compliance approach, real benefit is obtained from more comprehensive monitoring which makes a greater contribution to effective dog control. In this regard, Appendix 4 includes a template for section 10A reporting that provides for reporting more useful information than required by section 10A.


Good practice examples


-  education initiatives undertaken are reported
-  reports set out the council's key issues and areas that may have been the subject of focus – e.g. this year the focus was on reducing the number of roaming dogs
-  reports clearly indicate the level of council enforcement with reference to the number of full-time equivalent staff (FTEs) and the total expenditure on dog control activities
-  reports provide clear information on the type and nature of complaints relating to
 - actual harm e.g. dog attacks that are minor or serious
 - potential risk e.g. aggressive dog behaviour without an attack (e.g. rushing) or roaming dogs

- nuisance e.g. barking or fouling
- miscellaneous e.g. dogs people have reported missing

 reports compare information over at least two financial years to identify if the level of attacks are decreasing or increasing

 the release of the Section 10A report is supported by a press release (in addition to meeting the legislative requirements for public notification) advising of the report's availability

 Section 10A reports are forwarded to the Department of Internal Affairs before the end of October immediately following the end of the financial year, and

 the opportunity is taken when reporting on monitoring to the community, to include pictures, stories and matters of general interest that promote effective dog control and public safety around dogs.

Key points

There are mandatory requirements for councils to report under section 10A in the Dog Control Act. Section 10A reports provide an opportunity for councils to let their communities know what they are doing in the dog control area.

Appendix 1 - Example of Enforcement Record Sheet

Far North District Council

Action Assessment Scale

(applies for offences under Sections 57; 57A and 58 Dog Control Act 1996)

The following assessment scale is to be used as a means of gauging the level and range of action that the officer may take. The scale is based on a 'score' for each matter to be assessed. The 'score' (unless expressly restricted to a range) is totally dependant on the officer's interpretation of the incident being investigated.

Dog

- Level of aggression displayed in the attack/rushing

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Score: <input type="text"/>
1		3		5		7	8		10	
Low Intensity <i>(nip and run off)</i>			Medium Intensity <i>(bite and retreat)</i>				Extreme Intensity <i>(hanging on – shaking)</i>			

- Factors involved that lead to the attack/rushing occurring

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Score: <input type="text"/>
1		3		5		7	8		10	
Uncharacteristic Accidental	Reaction	Provoked	Territorial/Protection		Unprovoked					

- Previous history of dog/s

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Score: <input type="text"/>
1	2	3	4	5	6	7	8	9	10	
None	Barking	Growling		Snarling Intimidating	Rushing	Biting	Attack			

- Registered – Note: (cannot be a shaded box)

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Score: <input type="text"/>
1		3		5						
Current	Not Current		Never Been							

- Type of 'control' situation the dog was in

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Score: <input type="text"/>
1	2	3	4	5	6	7	8	9	10	
Secured on own property <i>(no access /access)</i>	Owner control <i>(leash) (verbal)</i>		At large private property <i>(owner / no owner present)</i>				Secured/At large public place			

Action Assessment Scale

(applies for offences under Sections 57; 57A and 58 Dog Control Act 1996)

Dog – cont.

- **Likelihood of continuing threat to the safety of persons, stock, poultry, domestic pets or protected wildlife**

Note: cannot be a shaded box

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
1		3		5					
None		Possible		Probable					

Score:

Dog Total:

Owner

- **Attitude to the incident**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1		3		5		7	8		10
Excellent		Cooperative		Average		Disregard <i>(‘Couldn’t care less’)</i>			Obstructive

Score:

- **Previous history**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	2	3	4	5	6	7	8	9	10
None	Education	Verbal		D/C Notice		Infringement Notice		Prosecution	
				<i>(non attack / attack)</i>		<i>(non attack / attack)</i>			

Score:

- **Level of Responsibility for Offence**

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	2	3	4	5	6	7	8	9	10
None	Mitigating factors	Ignorant of rules / regulations			Disregard of previous <i>(warnings / actions)</i>				Deliberate

Score:

Owner Total:

Action Assessment Scale

(applies for offences under Sections 57; 57A and 58 Dog Control Act 1996)

Victim – (person)

- **Victim impact as a result of the attack / rushing** (psychological)

Note: cannot be a shaded box

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
1		3		5					
None		Shaken		Trauma					

Score:

- **Effects / Injuries as a result of attack / rushing** (physical)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	2	3	4	5	6	7	8	9	10
None	Torn Clothing / Scare	Bruising	Property Damage	Bite Marks	Punctures	Stitches	Vehicle Accident	Extensive Medical Attention	Possible Vehicle Accident

Score:

Victim – (stock; poultry; domestic animal; protected wildlife)

- **Effects / Injuries as a result of attack / rushing** (physical other than death)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	2	3	4	5	6	7	8	9	10
None	Scare	Bruising	Endangered	Bite Marks	Punctures	Stitches	Extensive Veterinary Attention		

Score:

- **Death of stock, poultry, domestic animal, or protected wildlife.**

*NOTE: Poultry – not above 3; Protected wildlife – not above 5;
Domestic pets and stock – not below 6.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	2	3	4	5	6	7	8	9	10
Poultry			Protected Wildlife		Domestic Pets				Stock

Score:

Victim Total:

Overall Total:

Appendix 2 - Example Letter for Investigation of a Complaint

Tauranga City Council

Enter Date

Enter Name & Address

Dear *Salutation*

Investigation of Complaint Number

Council is in receipt of a complaint where it is alleged that a dog, described as [give description],

Edit as applicable

- acted in a threatening manner towards the Meter Reader.
- rushes up to your boundary fence and startles people passing your property.
- although tethered, is responding aggressively towards people entering your property.

Although this is not an offence under the Dog Control Act 1996, whilst on its own property, you have a moral obligation to prevent your dog from endangering or causing a nuisance to any person, stock, poultry, domestic animal or protected wildlife.

The purpose of this letter is to bring this matter to your attention and ask you to please consider the environment in which your dog is kept. A dog permitted to act in this way may develop serious behavioural problems relating to aggression.

I enclose educational material for your perusal. Please do not hesitate to contact me if you would like to discuss its content.

Yours sincerely

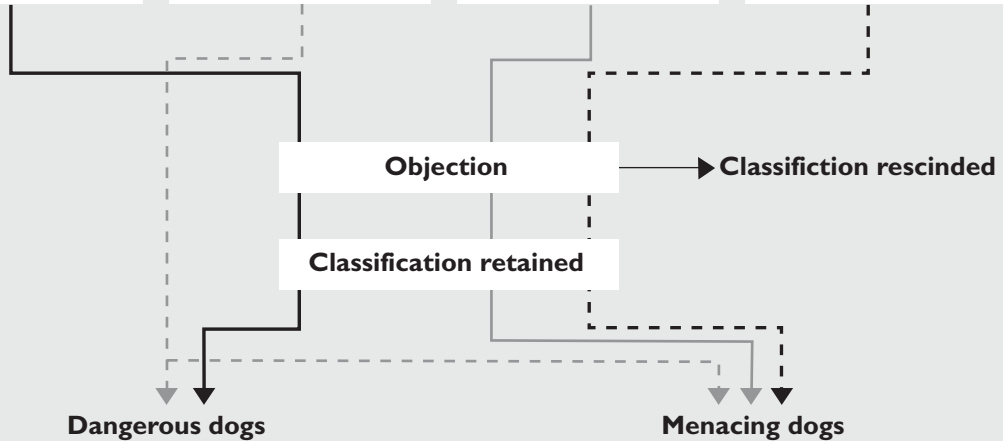
Officer Name

Officer
Dog Control
Council

Appendix 3 - Classification of Dangerous and Menacing Dogs

Classification of Dangerous or Menacing dogs under the Dog Control Act 1996

<p><u>Shall</u> classify as dangerous</p> <p>Any dog whose owner is convicted of an offence under s57A(2)</p> <p>Any dog which a council has, on the basis of sworn evidence, reasonable grounds to believe is a threat to public safety</p> <p>Any dog that the owner admits in writing is a threat to public safety.</p> <p>(s31)</p>	<p><u>Must</u> classify as dangerous or menacing under the relevant section</p> <p>Any dog whose owner has been convicted of an offence against s57(2) 57A(2) and no destruction order has been made (unless council satisfied that circumstances were exceptional, and do not justify classification).</p> <p>(s33ED)</p>	<p><u>Must</u> classify as menacing</p> <p>Any dog that the council has reasonable grounds to believe belongs 'wholly' or 'predominately' to one or more breeds/types listed in Schedule 4, (Brazilian Fila, Dogo Argentino, Japanese Tosa and American Pitbull Terrier type).</p> <p>(s33C)</p>	<p><u>May</u> classify as menacing</p> <p>A dog that has not been classified as dangerous that a council considers may pose a threat to public safety because of</p> <ul style="list-style-type: none"> - observed/reported behaviour - characteristics typically associated with dog's breed or type. <p>(s33A)</p>
--	---	---	---



- Kept in a securely fenced portion of owners property
- Muzzled and leashed in public (if not in a vehicle or cage)
- Neutered and microchipped (if not already)
- 150% registration fees
- Councils consent to disposal
- Classification must be entered onto dog register

- Muzzled in public (if not in a vehicle or a cage) and carry a leash
- May be required by Council to be neutered
- Classification must be entered onto dog register

Appendix 4 - Suggestions for the Format of Section 10A Reports

Part 1: Dog Control Policies and Practices

Contextual information

Providing contextual information allows communities to be aware of the roles of council's dog control services and key issues.

General information

- A brief description of dog control in the city/district and on the major dog control focus over the recent year
- Any key areas of focus for dog control for the financial year
- Any specific dog control highlights over the recent year
- Areas of ongoing concern for dog control over the recent year
- The number of Animal Control Officers
- Whether dog control is undertaken in-house or contracted out
- The council's relationship with key stakeholders in the community, e.g. local veterinarians, SPCAs, and dog clubs
- Education initiatives.

Part 2: Statistical information

Table 1: Statistical information required under section 10A based on an end-of-year snapshot.

Category	Snapshot as at <i>[Month and Date]</i> End of financial year
1) Total number of Registered Dogs	
2) Total number of Probationary Owners	
3) Total number of Disqualified Owners	
4) Total number of Dangerous Dogs	
● Dangerous by owner conviction under s31(1)(a)	
● Dangerous by sworn evidence s31(1)(b)	
● Dangerous by owner admittance in writing s31(1)(c)	
5) Total number of Menacing Dogs	
● Menacing under s33A(1)(b)(i) i.e. by behaviour	
● Menacing under s33A(1)(b)(ii) by breed characteristics	
● Menacing under s33C(1) by Schedule 4 breed.	

Table 2: Infringement and complaint information based on numbers of infringement offences and complaints received during the year

Category	Number
6) Total number of Infringement Notices. [This should not include infringement offences that are subsequently withdrawn or cancelled]	<i>Total number of infringement offences issued for the year</i>
7) Total number of Complaints Received	<i>Total number of complaints received during the year</i>
● TA Complaint Category 1	<i>Number of complaints by category</i>
● TA Complaint Category 2	
● [See suggestion in Table 3]	
8) Total number of Prosecutions Taken	<i>Total number of prosecutions taken by the authority</i>

Categorising complaints

Based on examination of a range of section 10A reports for how councils set out the 'nature of complaints', the common themes are set out in the table below

Table 3: Number of complaints by category

Category of complaint	Number of complaints during the financial year – for year ending June [insert year]
Public safety related complaints	
Dog attack on people – minor	
Dog attack on people – serious ²	
Dog attack on other animals	
Dog attack on stock (or worrying stock)	
Dog rushing	
Aggressive dog behaviour other than rushing	
Roaming dogs reported by public (including registered dogs that are found)	
Non-safety concerns	
People's dogs that are reported lost	
Barking	
Fouling/bylaw breach	
Unregistered dog	
Welfare concerns	
Miscellaneous	
Total complaints all categories	

² Serious attacks are those that may require significant medical treatment e.g. many stitches, hospitalisation.

GLOSSARY

Act	Dog Control Act 1996
Council or councils	means a territorial authority or territorial authorities as referred to in the Dog Control Act 1996 which means a city or district council named in Part 2 of Schedule 2 of the Local Government Act 2002.
Department	The Department of Internal Affairs
Dog Control Officers	has the same meaning as under section 11 of the Dog Control Act 1996

ACRONYMS

ACC	Accident Compensation Corporation
AWA	Animal Welfare Act
LGA	Local Government Act
LGNZ	Local Government New Zealand
NAWAC	National Animal Welfare Advisory Committee
NDD	National Dog Database
NZIACO	New Zealand Institute of Animal Control Officers
OSH	Occupational Safety and Health
RNZSPCA	Royal New Zealand Society for the Prevention of Cruelty to Animals
SOLGM	Society of Local Government Managers
SPCA	Society for the Prevention of Cruelty to Animals
WINZ	Work and Income New Zealand

RESOURCES

The Dog Control Act 1996 can be viewed at www.legislation.govt.nz

Information on dog safety and matters related to the Dog Control Act can be accessed on the Department's website (www.dia.govt.nz)

The New Zealand Veterinary Association Incorporated provides useful information and assistance on choosing an appropriate breed of dog to suit and individuals' circumstances (see www.vets.org.nz/CareerPet/PetCare/select.htm)

Most councils' Dog Policy, Dog Control Bylaw and related information is able to be accessed on their websites. Many councils also produce booklets on dog ownership which also provide dog control-related council information.

You may wish to contact the New Zealand Institute of Animal Control Officers (see www.nziaco.co.nz)

You may wish to contact Local Government New Zealand (see www.lgnz.co.nz)

Society of Local Government Managers has produced a Good Practice Toolkit, able to be accessed by SOLGM members over the internet at the SOLGM Good Practice Toolkits website, www.solgm.co.nz

The National Animal Welfare Advisory Committee (NAWAC) Code of Welfare for Dogs is hosted at the Ministry of Agriculture and Forestry's website, www.maf.govt.nz

Crown Law Office Prosecution Guidelines, March, 1992 (see http://www.crownlaw.govt.nz/artman/docs/article_159.asp)

T Didovich, New Zealand Dog Owner's Manual, Revised edition, New House Publishing Ltd, 2007.

DSS Animal Management offer a range of dog management and education products for purchase through their website (see www.animalmanagement.co.nz).

A range of dog education brochures are available from J R & A C Payne at jracpayne@actrix.co.nz

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