



**chatham islands council**

# Dog Control Policy 2017

Review Draft

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## **Section 1: Introduction**

### **1.1 Preamble**

Many people consider their dog(s) to be part of the family, and so it is important to have a range of public places that are accessible to dogs and their owners for fun and recreation.

However, we also need to acknowledge the reality that dogs can cause problems (such as barking), can cause injuries (such as bites, which can be particularly harmful and traumatic to children), and can even cause death (such as to protected wildlife or other animals).

Many of these scenarios can be prevented with good dog ownership, but others can happen unprovoked and with little or no warning, so we need to minimise the potential for such incidents and accidents by putting reasonable regulatory controls in place.

This policy seeks to balance the recreational needs of dogs and their owners with the need to minimise the potential for any danger, distress or nuisance that may be caused by dogs.

### **1.2 Reason for the policy**

The Dog Control Act 1996 (the Act) requires every territorial authority to adopt a policy on dog control matters and to develop a bylaw to give effect to its policy. The Chatham Islands Council Dog Control Bylaw 2017 has been developed with this policy.

### **1.3 Purpose of the policy**

The purpose of this policy is to outline how the Chatham Islands Council will address the requirements set out in the Act.

This policy balances regulatory controls to allow for the recreational needs of dogs and their owners with appropriate controls to minimise the danger, distress or nuisance that may be caused by dogs.

This policy is also designed as an educational tool to help encourage and facilitate good dog behaviour and good dog ownership.

This policy should be read in conjunction with the Dog Control Bylaw 2017 and the Act. Some parts of the Act are reiterated in this policy for the purposes of clarity.

### **1.4 Commencement and lifespan of the policy**

This policy comes into force on 1 July 2017. This policy must be reviewed at least every ten years as per Section 159 (10AA) of the Act, together with the Dog Control Bylaw.<sup>1</sup>

### **1.5 The Policy**

The Dog Control Policy and Dog Control Bylaw are the responsibility of the Chatham Islands Council.

The primary focus of the policy is to provide a cost effective and professional animal management service through education, monitoring, compliance and enforcement activities.

The Council's principal involvement in dog control is in response to the legislative obligations set out in the Act. The legislation sets out Council's and dog owners' responsibilities.

The Council's approach to dog control is one of assisting owners to understand their responsibilities and taking any necessary action against those who do not meet their responsibilities.

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<sup>1</sup> The Local Government Act 2002 requires bylaws to be reviewed at least every ten years (S159). The Dog Control Act 1996 requires a dog control policy to be reviewed when a dog control bylaw is reviewed (S159 10AA). A review may be prompted at any time within this ten-year timeframe due to operational needs, legislative change or for other reasons

## 1.6 Community outcomes related to the policy

The Chatham Islands Council has a number of Community Outcomes that guide decision-making. The main Community Outcomes related to this policy are:

People participate in a wide range of recreational activities	This policy: <ul style="list-style-type: none"><li>• provides for the recreational needs of dogs and their owners by allowing reasonable access to a wide range of public places</li><li>• requires a leash in some public areas to allow dog access, but to protect people, wildlife or the environment</li><li>• allows children safe areas to play, free of dogs (such as playgrounds)</li></ul>
Communities are safe	This policy: <ul style="list-style-type: none"><li>• encourages good, responsible dog ownership</li><li>• encourages responsible dog ownership conduct in public places</li><li>• reduces the potential for harm by restricting or prohibiting dogs in some recreational areas and settings</li><li>• places controls on dangerous and menacing dogs</li></ul>
The Chatham Islands' unique landscape and indigenous biodiversity are protected and enhanced	This policy: <ul style="list-style-type: none"><li>• prohibits dogs from certain places to protect wildlife (particularly endangered birds)</li><li>• prohibits dogs or requires a leash worn in certain places to protect conservation areas (such as regenerating wetland or bush areas)</li></ul>

## Section 2: Dog Control Bylaw

Under the Act councils are required to develop a dog control policy, and must develop a bylaw to enforce the matters covered by the policy.<sup>2</sup> Section 10(3)(a) of the Act requires a dog control policy to set out the nature and application of its associated bylaw.

### 2.1 Nature and application of the bylaw

The Council's Dog Control Bylaw:

- promotes the responsible management of dogs in public places;
- provides for the recreational needs of dogs and their owners; and
- minimises the potential for danger, distress or nuisance from dogs in the community and to other animals and wildlife.

The Council's Dog Control Bylaw covers the following matters:

- control of dogs in public places
- prohibiting dogs from specified public places or categories of public places
- requiring dogs to be on a leash in specified public places or categories of public places

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<sup>2</sup> S10 of the Dog Control Act 1996

- exempting specific types of dogs in particular situations
- designating specified areas as dog parks and dog exercise areas
- placing requirements on owners of dogs on vehicle trays
- offences and penalties

### **Section 3: Obligations of dog owners**

The Act sets out the expectations of dog owners that are consistent across New Zealand. The Council's Dog Control Policy and Bylaw set out those matters that are specific to the Chatham Islands district, such as the public places where you can or cannot take your dog, or must have it on a leash.

All dog owners are required to understand the dog owner requirements and obligations set out in the Act, together with the requirements and obligations set out in this policy and in the Council's Dog Control Bylaw.

Dog owners should also be aware that animal welfare matters are covered by the Animal Welfare Act 1999, and in particular, by the Animal Welfare (Dogs) Code of Welfare, which sets out the minimum standards and recommendations relating to all aspects of the care of dogs. Animal welfare matters relating to companion animals are largely enforced by the Society for the Prevention of Cruelty to Animals (SPCA).

#### **Obligations of dog owners set out in the Dog Control Bylaw**

***The following subsections set out the obligations of dog owners that are defined in the Council's Dog Control Bylaw.***

##### **3.1 Keeping your dog under effective control**

Dog owners are required to keep their dog(s) 'under effective control' at all times when in public places.

The owner or person in charge of a dog in a public place must:

- be aware of where the dog is and what it is doing; and
- ensure the dog is responsive to commands; and
- ensure it is not creating a nuisance.

#### ***Explanation***

***When a dog is under effective control, it means the dog is not creating any sort of nuisance to people, domestic animals or any other wildlife. Nuisance in this sense means things such as barking, rushing at, intimidating, attacking or otherwise causing injury, damage or harm.***

***Going for a walk with your dog unrestrained (not on a leash) is acceptable in areas where there are no dog restrictions. However, the dog must still be 'under effective control'. This means you can see the dog and you are aware of what it is doing, and you are close enough to prevent issues arising or quickly bring the dog to heel. Having your dog under effective control is as much about the safety of your dog as it is about the safety of others.***

***The Act requires all dog owners to carry a leash when taking their dog into a public place, whether or not the public place is a leashed area (section 54A). This is because unexpected situations may arise that require a dog to be leashed to keep the dog under control.***

***Another requirement that is set out in the Act is that the legal owner of the dog must be over the age of 16 (section 2) The owner or person in charge of a dog in a public place must also be physically capable of controlling the dog.***

### 3.2 Carrying the means of removing dog faeces in public places

The person in charge of a dog must carry the means of picking up and removing any fouling (dog faeces) when in a public place (e.g., disposable receptacle).

#### **Explanation**

**Disposable bags can be an ideal way of picking up and removing dog faeces and must be carried at all times when in public places with a dog. Dog toileting habits can be unpredictable and this requirement will enable owners to be prepared for such an event. It is no longer an excuse to say you do not have any receptacle with you.**

### 3.3 Removing dog faeces from public places

The person in charge of a dog must remove any fouling (dog faeces) that their dog produces and dispose of it in a hygienic manner. Requirement to remove dog faeces applies not only to public places, but also to land that is not the dog owner's land.

#### **Explanation**

**Dog faeces can harbour diseases and parasitic infection that can make other dogs or people unwell. It is also generally unpleasant and smelly. It is important that dog owners take responsibility for their own dogs as failure to do so may mean a change of the bylaw such that reduced access to a wide range of public places may be enforced.**

## Section 4: Registration of dogs

All dogs in New Zealand must be registered in accordance with section 36 of the Act.

This means that all dogs must be registered by 30 June each year for the ensuing year, and must be registered for the first time before they are three months' old.

Dog registration fees increase incrementally if not paid by due date (section 37(2)(f) of the Act). Registered dogs must wear a registration tag at all times.<sup>3</sup> The Council will replace a lost registration tag at nominal cost.

It is an offence not to register a dog that is over three months of age.<sup>4</sup> It is an offence to knowingly provide false information on a dog registration application form.<sup>5</sup>

#### **Explanation**

**Dogs are required to be registered for three reasons. Firstly, to keep an up-to-date record of all dogs and their owners; secondly, to allow for the return of lost dogs, and thirdly, to generate revenue for providing dog control services across the district. See the section below on the setting of dog registration fees.**

### 4.1 Dog registration classifications

The registration classifications are as follows:

#### **Standard dog registration**

This is a non-working dog, i.e., does not fit within the working dog definition below.

#### **Working dog registration**

This is defined as a dog:

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<sup>3</sup> Under S44 of the Dog Control Act 1996

<sup>4</sup> Under S42(1) of the Dog Control Act 1996

<sup>5</sup> Under S41 of the Dog Control Act 1996

- relating to farming, such as the herding of stock; under the direction of a government department or state employee undertaking responsibilities such as those relating to policing, defence, corrections, customs, security, biosecurity, pest management, emergency management or conservation; or
- under the direction of a private security guard in the execution of their duties;
- disability assist dogs which are generally dogs that are certified to assist someone with visual, hearing, mobility or other exercise disability.

### **Dogs classified as dangerous**

- This applies to dogs classified as 'dangerous' under the Act. The Act allows a higher registration fee may be charged for these dogs (Section 32(1)(e)).

### **4.2 The setting of dog registration fees**

Registration fees are set through the Council's Annual Plan process and are notified to all registered dog owners at registration time and are listed on the Council's website.

In considering the dog registration fees, the Council will:

- set a standard dog registration fee
- set a fee for working dogs that is less than the standard dog registration fee<sup>6</sup>
- set a fee for dangerous dogs that is 50% higher than the registration fee the dog would otherwise incur<sup>7</sup>
- remove discounted fee for the late registration of dogs.<sup>8</sup>

#### ***Explanation***

***Registration fees are set by councils to take into account the cost of providing dog control services and aim to strike a balance between dog owners bearing the costs of dog control and the benefits to ratepayers of having safe and well-controlled dogs in their community.***

***The Act (section 9) requires that all money collected under the Act can only be spent on dog control matters.***

### **4.3 Change of dog ownership**

Where the ownership of a dog changes, the registration continues, but both the old owner and the new owner must advise the Council in writing. Updating registration details to the new owner will be performed by council.

### **4.4 Transfer of dog registration between districts**

Where a registered dog is moving to a different council district, the registration goes with it. Owners of dogs transferring between areas must advise both councils of the dog's move in writing, and within six weeks of the move. The owner should take the dog registration tag to their new local council office and it will be swapped for a registration tag for the new area, at nominal cost. No refund of the registration fee is made as a result of the transfer and a new dog registration fee is not required to be paid until 1<sup>st</sup> July next.<sup>9</sup>

<sup>6</sup> In accordance with S37(2)(b) of the Dog Control Act 1996

<sup>7</sup> For dogs classed as dangerous in accordance with S 31 of the Dog Control Act 1996, in accordance with S 32(1)(e)

<sup>8</sup> In accordance with S37(2)(f) and S37(3) of the Dog Control Act 1996

<sup>9</sup> This is set out in S47, 48 and 49 of the Dog Control Act 1996

#### **4.5 Refund of registration fee in the event of the death of a dog**

The Council will refund the calculated pro rata remaining full month's portion of a dog registration fee in the event of the death of a dog.<sup>10</sup> The refund must be applied for on the appropriate form, and evidence of the death of the dog must be provided. This must be done within 14 days of the death of the dog.

### **Section 5: Micro-chipping of dogs**

#### ***Explanation***

***Dog registration and micro-chipping are two separate processes. You must register your dog every year, but the dog is microchipped only once.***

#### ***What is a dog micro-chip and why are they needed?***

***A micro-chip is about the size of a grain of rice and is implanted on a dogs back, towards the neck, between the shoulder blades, normally by a qualified person such as a veterinarian or Dog Control Officer.***

***Micro-chipping is a more permanent method of identifying a dog than collars and tags, which can be lost or removed. It enables a dog to be linked to its owner, so if it is stolen or lost, dog and owner can be reunited. Secondly, it can identify a dog which has been aggressive and classified as dangerous or menacing. This is especially important if a dog owner attempts to disguise the dogs' identity.***

#### **5.1 Requirement to have your dog micro-chipped**

Dogs that need to be microchipped are:

- All dogs first registered from 1 July 2006, (except stock working farm dogs, which are exempt). These dogs will mainly be puppies when they are first registered at three months old.
- All dogs classified as dangerous or menacing, since 1 December 2003 (dogs classified as dangerous before 1 December 2003 will not have to be microchipped).
- Unregistered dogs that are impounded and released.
- Registered dogs that are impounded for a second time and released.

#### **5.2 Requirement to supply micro-chip information**

Dog owners are required to supply their dog's micro-chip information to the Council so that it can be recorded in the National Dog Database.<sup>11</sup> This can be done by providing the Council with a certificate from a vet (which must include the microchip number), or by taking your dog to the Council's Animal Management Team to have it scanned, so that the Council can verify that the dog has been implanted with a microchip.

#### ***Explanation***

#### ***What is the National Dog Database?***

***The database is administered by the Department of Internal Affairs and holds details of all dogs in New Zealand, their owners and any infringements that may have been issued against an owner or person in charge of a dog.***

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<sup>10</sup> Required by S 39 of the Dog Control Act 1996

<sup>11</sup> Required by S36A of the Dog Control Act 1996

## Section 6: Prohibited and leashed areas

Dogs may be prohibited from public places or required to be on a leash in public places.

If a public place is not listed in this policy, it means that dogs are allowed off-leash, but must be under effective control. 'Under effective control' is defined above.

A public place may be categorised as:

- Public place (e.g., all children's playgrounds), or
- Specific public place (e.g., a named reserve or specified section of coastline).

These controls may be in place at all times, or at specific times of the day or year (e.g., between 9 am and 7 pm during swimming season at beaches).

Where restrictions or prohibitions are in place, they will be listed in Schedules 1 and 2 below, and signs should also indicate any controls where they apply.

### 6.1 Prohibited areas

There are some categories of public places in the district where dogs are prohibited (not allowed). These areas are:

- all Council children's playgrounds (within one metre of playground surfaces, equipment or fencing)
- all Council skateparks (within one metre of skateparks)
- all beaches with summer restrictions

See the sections below for more detail.

#### Children's playgrounds

Dogs are prohibited from being:

- within any fenced Council playground area;
- on any surfaced Council playground area;
- within one metre of any fenced or surfaced Council playground area;
- within one metre of any Council playground equipment where there is no fence or surfaced area.

#### **Explanation**

***Playgrounds are designed for the use and enjoyment of children. Children are disproportionately represented in dog bite and injury statistics. Ensuring dogs are not in playground areas makes the areas safer for children to use.***

***Dogs should also be on a leash near playgrounds when playgrounds are in use. This is good practice to prevent dogs rushing at children or intimidating them, which could cause an accident.***

#### Parks

Dogs are prohibited on Council recreation areas/parks and from being within one metre of the perimeter of any Council recreation area/park.

#### **Explanation**

***Parks are designed for the use and enjoyment of children and teenagers. Children and teenagers are disproportionately represented in dog bite and injury statistics. Ensuring dogs are not in parks makes them safer for children and teenagers to use.***

### **Dogs are prohibited at specific beaches during summer**

Dogs are prohibited at some beaches used for swimming and recreation activities during summer. The Summer Beach Prohibition Areas apply from 1 November to 31 March, and between 9 am and 7 pm, and are listed in Schedule 4

#### ***Explanation***

***Dogs can cause issues on beaches that are commonly used for swimming and recreation activities, ranging from hygiene (fouling or urinating on sand or belongings) to causing a nuisance to, or endangering, other people at the beach (especially children).***

Outside of these dates and times, beaches with Summer Beach Prohibitions in place revert back to 'under effective control' areas.

Other than beaches specified as Summer Beach Prohibition Areas, dogs are generally permitted on many beaches and in coastal areas, unless there are restrictions in place to protect wildlife or for other reasons. Check for signage at each location to be sure.

### **Exemption for the purpose of passing through**

Dogs are allowed to pass through Summer Beach Prohibited Areas during the prohibited times, as long as the person in charge of the dog has it on a short leash and under control

#### ***Explanation***

***If you are walking your dog along a beach and enter a Summer Beach Prohibition Area, you may proceed as long as you have your dog on a short leash and under control, and you are passing directly through the area.***

### **Dogs are prohibited in other specific areas**

Dogs are prohibited in a number of other specific public places throughout the district, for a variety of reasons. These prohibited areas are listed in Schedule 2 below.

## **6.2 Leashed areas**

There are some categories of public places in the district where dogs must be on a leash. Dogs must be on a leash in the following public places:

- all roads (including footpaths)
- all cemeteries and memorial areas (including Urupa and Wahi Tapu)
- all boat ramps and slipways
- all those areas prescribed in Schedule 1

### **Roads**

Dogs must be on a leash on all roads. This includes footpaths and the margins alongside roads (such as verges and berms, whether sealed or not), private ways, state highways and car parks, but excludes beaches and driveways on private land.

#### ***Explanation***

***Vehicles could harm a dog that is not under control, and equally, a dog could cause a vehicle to have an accident. Having your dog under control on and near roads is as much about the safety of your dog as it is about the safety of others.***

### **Cemeteries and memorials**

Dogs must be on a leash in the grounds of Council-managed cemeteries and memorial areas.

#### ***Explanation***

***Cemeteries and memorial areas are places of contemplation, of serenity and prayer, in respect for our history and for the stories of our people. They are places to come to grieve, to remember***

**and to give thanks. It is appropriate for dogs to accompany their owners in these spaces, but it is also important that their presence is respectful of the space and of others, so dogs must be leashed.**

### **Boat ramps and slipways**

Dogs must be on a leash on and in the vicinity of all Council boat ramps and slipways, including associated car manoeuvring and car parking areas.

#### **Explanation**

**Dogs are required to be on a leash in boat ramp areas and around slipways in order to prevent dogs from being injured by manoeuvring vehicles and to prevent dogs from causing accidents or injury to boat ramp users.**

### **Dogs must be on a leash in other specific areas**

Dogs must be on a leash in a number of other specified public places throughout the district, for a variety of reasons. These leashed areas are listed in the Schedule below.

### **Exemptions to prohibited and leashed dog areas**

Dog controls do not apply to disability assist dogs or to working dogs where the working dog is carrying out its duties and being actively managed by its handler. Dog controls also do not apply to hunting dogs, where a hunter is carrying out a legal hunting activity and the hunting dog is under control and present solely for hunting-related purposes.

As mentioned above, dogs are allowed in Summer Beach Prohibited Areas solely for the purpose of passing through, and must be on a short leash.

## **Section 7: Other dog matters**

### **7.1 Barking dogs**

When the Council receives a complaint about a barking dog, it will investigate, and if found to be a genuine problem, Dog Control Officers will work with the dog owner to understand the extent of the barking, the reasons for the barking and will encourage solutions and behaviour change, so that the dog is no longer causing a nuisance to neighbours or passers-by.<sup>12</sup>

If an owner is uncooperative, or the barking continues to be persistent and loud, a Barking Dog Abatement Notice may be issued under section 55 of the Act. If the abatement is not complied with, an infringement notice (fine) may be issued to the dog owner.

Non-compliance with directions of the Dog Control Officer may lead to the dog being seized and impounded.

#### **Explanation**

**There are many reasons why a dog may bark. Often it is when their owner is absent, so an owner may not be aware that their dog is causing a nuisance. Four of the most common reasons a dog may bark are:**

- **protective aggression, where dogs bark at people or animals they think are invading their territory;**
- **stimulus-oriented barking, where dogs bark at a sound or movement, e.g. a cat running along the fence, a car horn or pedestrians walking past. This can be especially problematic for hunting breeds;**

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<sup>12</sup> Under the Act S5(e), dog owners must 'take all reasonable steps to ensure that the dog does not cause a nuisance to any other person, whether by persistent and loud barking or howling or by any other means.

- **separation distress, this barking is different to other types of barking because it is caused by anxiety, rather than aggression or playfulness;**
- **social, where dogs are barking to communicate with each other, and with people.**

**The Council's approach is that it is better to work with an owner and their dog to encourage behaviour change and reduce barking, rather than to penalise a dog owner. Dog Control Officers are happy to offer advice and to suggest solutions. In some situations, however, it may be appropriate to look at other options, including penalties, if a barking nuisance is serious and ongoing, or if an owner is uncooperative.**

**Dog owners should take particular care of their dogs during times when there are likely to be fireworks detonated.**

## **7.2 Female dogs in season**

The Council requires owners of female dogs in season to keep their dog confined and to limit its movement while it is in season, in order to minimise the potential impacts on other dogs. This is covered in the Council's Dog Control Bylaw.

### **Explanation**

**The hormones released by a female dog in season can be detected by other dogs over long distances. This is why female dogs in season have to be securely confined on private property (ideally away from boundary fences) and the potential impacts on other dogs need to be minimised by limiting the likely hormone trail that would be left if the dog were to be exercised as normal in public places or if it were transported unnecessarily. Transport should be limited to veterinary or breeding-related travel.**

**This only applies to female dogs that have not been de-sexed. Unless your dog is intended for breeding, it should be de-sexed.**

## **7.3 Dogs in outdoor dining establishments**

The Council is supportive of food businesses allowing dogs in their **outdoor** dining areas, provided the business complies with all regulatory requirements.

As with all public places, dogs must be under effective control at all times. It is up to each individual business to decide if they want to permit dogs to outdoor areas, and if so, to manage any issues that may arise, including compliance with the Food Act 2014.

Disability assist dogs are allowed in all customer areas of all food businesses in accordance with section 75(1) of the Act.

### **Explanation**

**New Zealand's way of regulating food has changed under the Food Act 2014, which allows food businesses to identify, mitigate and manage the risks that are specific to their business. Through this new regime, food businesses are able to indicate in their Food Control Plans whether they wish to allow dogs in their outdoor dining areas, and if so, how they will manage any food safety risks that this may cause.**

**This means that each food business can decide whether or not to allow dogs into their outdoor dining areas, and what conditions to impose on dogs and their owners.**

## **7.4 Exercising dogs at night**

The Council encourages dog owners to use reflective or other lighting attached to dog collars or harnesses to help track dogs when exercising at dusk (when visibility is low) or in the evening (particularly in the darker winter months).

### **Explanation**

***It is safer for everyone if people can see their own and other dogs when out and about, particularly on unlit share pathways. Lighting your dog is a great way to keep track of them at night, especially if they are off-leash exercising at dusk or in the early evening. It also allows other public place users to see your dog, preventing any unwelcome surprises or accidents.***

## **7.5 Dogs left in vehicles**

The Council is concerned about the health and welfare of dogs that are left in vehicles, particularly during the summer months.

The Council takes a strong stance on dogs suffering in hot vehicles and will act swiftly to release dogs that are clearly in distress. The Council's Dog Control Officers may work to release a dog that is in distress, either singly or with the assistance of the Police.

### **Explanation**

***Vehicles can quickly turn into ovens during summer, and also heat up surprisingly quickly on cloudy days.***

***Dogs keep cool by panting and by releasing heat through their paws, but without fresh air, the air and upholstery in your vehicle can heat up to high temperatures that make it impossible for dogs to regulate their temperatures and cool themselves.***

***Dogs (and particularly, small dogs) can suffer heat exhaustion quickly if left in a hot environment. Slightly winding windows down is not adequate on a hot day when a vehicle is in full sun. Your dog will be more comfortable if left at home.***

***If your dog shows symptoms of heatstroke:***

- ***immediately move the dog to a cool, shady place***
- ***allow the dog to drink some cool water***
- ***wet the dog with cool water***
- ***fan it vigorously to promote evaporation to cool the dog's blood, which will reduce its core temperature***
- ***take the dog to a veterinarian as soon as possible for further treatment. Veterinarians may apply supportive measures such as intravenous fluids to rehydrate the animal, and oxygen to prevent brain damage.***

***The SPCA has the power to protect all animals from abuse, neglect and abandonment, including prosecuting people under the Animal Welfare Act 1999. Dog owners who leave their dog(s) in a hot vehicle can face a charge of animal cruelty.***

## **7.6 Dogs at events and festivals**

Dogs may not be welcome or may need to be on a leash at events and festivals, at the discretion of event organisers and promoters. This is not the same as dogs being prohibited or required to be on a leash through the Council's bylaw, but may be as a condition of entry to an event, or it may be good advice offered by event organisers and promoters.

Events may be held in places where dogs are prohibited or where dogs must be on a leash. Check the requirements before you leave home.

### **Explanation**

***It may not be appropriate for dogs to be at an event due to the expected visitor numbers, the nature of the event or for other reasons (such as planned fireworks). Where dogs are welcome at an event or festival, you should consider whether or not it is appropriate to take your dog into a crowded situation, based on your understanding of your dog's temperament and history.***

## Section 8: Education and training

### 8.1 Teaching children about dogs

Increased public awareness of safety around dogs, particularly for children, is one of the best ways to reduce dog attacks in the long term.

Toddlers and young children should be supervised around dogs at all times. Most dog attacks happen to children in their own home or the home of a relative or friend.

#### **Explanation**

**One of the main messages for children is 'if a dog is on its own, leave it alone'. Children should be taught to ask a dog's owner if their dog is friendly or not before approaching it.**

### 8.2 Site Visitor Safety

Some employment roles require people to enter private property and this can be dangerous if the property has an aggressive dog or a dog defending its territory, e.g., common roles may include building inspectors, health inspectors, liquor licencing inspectors, meter readers and census deliverers. It is the responsibility of the employer to ensure employees are trained accordingly.

## Section 9: Managing troublesome dog owners and dogs

Under the Act, the Council may classify an owner as 'Probationary' and must classify an owner as 'Disqualified' under certain circumstances. The Council can also classify a dog as dangerous or menacing under certain circumstances.

These provisions are contained in the Act to help councils to manage dangerous or troublesome dog-related situations in order to make our communities safer.

There are a range of other tools that can be used before these measures are undertaken. These may include education or training, or the issuing of infringement notices (instant fines). There are a range of offences under the Act that can result in fines and breaching the Council's Dog Control Bylaw may also result in an instant fine.

The approach of the Council is to focus on safer communities, rather than punishment. The desired outcome is on having a safer community and responsible dog owners, not on penalising people. However, if education, training or other support are not effective, or a severe breach of the Act occurs, the Council will take more punitive steps using the provisions available in the Act and the Council's Dog Control Bylaw.

### 9.1 Dog owner classification

When a dog owner has committed of dog-related infringement offences (has been ordered to pay a fine) or has been convicted of dog-related offences<sup>13</sup> (has been convicted through the District Court), the Council may classify that owner as a 'Probationary Owner' and in some cases must classify the owner as a 'Disqualified Owner'.

#### **Explanation**

**These dog owner classifications restrict a person's right to own dogs, can last for several years, may require fencing and may require the undertaking of education or training that relates to the responsible care and management of dogs before they can own another dog.**

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<sup>13</sup> Offences may relate to other acts, including the Animal Welfare Act 1999, the Conservation Act 1987 or the National Parks Act 1980

***The dog owner status applies across the whole country (even if the offender moves away from the Chatham Islands Council district, they will not be able to own dogs elsewhere in New Zealand).***

***For more information, see sections 21-29 of the Act.***

## **9.2 Probationary dog owners**

A probationary owner cannot become the owner of any new dogs (but may keep any registered dogs they already have), and must dispose of any unregistered dogs.<sup>14</sup> Probationary owners may be required to undertake dog owner education or a dog obedience course, or both.<sup>15</sup>

Probationary dog owner status generally applies for up to two years, but may end sooner.

Sections 21-24 of the Act set out matters relating to dog owners being classified as probationary owners, including the process for objecting to the classification.

## **9.3 Dog Classification**

### **Dangerous dogs**

The Council must classify a dog as dangerous based on the owner being convicted of certain offences, or based on sworn evidence that the dog is aggressive and constitutes a threat to the safety of people, stock, poultry, domestic animals or protected wildlife, as set out in section 31 of the Act. The Act sets out the process for objecting to a dog's classification as a dangerous dog (in sections 31(3) and 31(4)).

Dangerous dogs:

- must be kept within a securely fenced section of the owner's property (and dog-free access to the house must be available at all times)
- must be muzzled and on a leash in all public places and private ways
- must be de-sexed
- will incur a registration fee that is 50% higher than a standard dog registration fee
- must not be sold or given away without the written consent of the Council
- maintain their status as a dangerous dog no matter where they live in New Zealand.<sup>16</sup>

### **Menacing dogs**

The Council can classify a dog as menacing if it constitutes a threat to the safety of people, stock, poultry, domestic animals or protected wildlife, based on the dog's behaviour or characteristics typically associated with the dog's breed or type, as set out in section 33A of the Act, i.e., menacing by deed or action.

The Council must classify dogs as menacing if they belong wholly or in part to the breeds of dogs listed in the Act section 33C (these are: Brazilian Fila, Dogo Argentino, Japanese Tosa, Perro de Presa Canario and American Pit Bull Terrier), i.e., menacing by breed.

The Act sets out the process for objecting to a dog's classification as a menacing dog (in sections 33B and 33D).

Menacing dogs must be muzzled and on a leash in all public places and private ways. The Council may require dogs classified as menacing to be de-sexed.

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<sup>14</sup> S23 and S24 of the Dog Control Act 1996

<sup>15</sup> S23A of the Dog Control Act 1996

<sup>16</sup> S32 and S32A of the Dog Control Act 1996

## De-sexing of menacing dogs

Any dog classified as menacing by the Chatham Islands Council or any other Council in accordance with section 33A or 33C of the Act must be de-sexed<sup>17</sup>, unless:

- there is a veterinary reason for not de-sexing it,<sup>18</sup> or
- there would be a demonstrated potential financial loss to the owner from de-sexing (such as a loss related to breeding or showing the dog).

The Council has discretion as to whether or not to waive the requirement to de-sex, on a case-by-case basis, and will also consider the seriousness and type of attack leading up to the classification.

The owner of a dog classified as menacing must, if required by the Council, produce a veterinary certificate showing the dog has been de-sexed or that it is unfit to be de-sexed. Owners must comply within one month of the classification.

## Section 10: Seizing, impounding and adopting dogs

The Act gives warranted Dog Control Officers the legal power to seize a dog in certain circumstances.

Dog Control Officers can seize dogs that are found to be in breach of the Act or any bylaw made under the Act. This may include things such as:

- a dog not being supplied with sufficient food, water or shelter (s 15)
- a dog that is unregistered and more than three months old (s 42(1))
- failing to have a dog wear a collar with a registration label or disc attached (s 50) or having a dog wear an incorrect or counterfeit registration label or disc (s 51)
- dogs not securely confined on owner's property (section .52A)
- failing to comply with requirements when a dog is classed as a dangerous dog (section 32)
- failing to comply with requirements when a dog is classed as a menacing dog (section 33EC)
- a dog not being under anyone's control in a public place, i.e., wandering at large
- a barking dog where complaints have been laid and notice has been issued to the owner and the dog continues to bark and cause a nuisance (section 56)
- a dog attacks a person or other wild life (section 57)
- a dog rushes at a person, animal or vehicle in a manner that causes injury, death or endangerment to public, or the damage to property (section 57A)
- a dog not muzzled or on a leash in the vicinity of protected wildlife (section 59)
- a dog not muzzled or on a leash amongst stock or poultry (section 60)

This *is not an exhaustive* list, but gives some examples of situations where dogs may be seized and impounded by Dog Control Officers.

### 10.1 Returning a seized dog to its owner

The release of a dog back to its owner will depend on the circumstances under which it was seized.

All fines and fees must be paid before a dog is released back to its owner.

A dog will not be released back to its owner unless it is registered and all other Act requirements are met.

Where a dog's owner cannot be established, it will be impounded and made available for adoption or destruction after seven days.<sup>19</sup>

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<sup>17</sup> This is enabled by S33E and S33EB of the Dog Control Act 1996

<sup>18</sup> The requirement to neuter applies to all dogs classified as menacing, except where, on written veterinary advice, conducting this procedure will present a significant health risk to the dog

<sup>19</sup> This is set out in S69 of the Dog Control Act

## **10.2 Fees and releasing dogs that have been impounded**

Infringement fees (fines) are set in the Act and are consistent across the country. Dog impounding fees are set locally and are included in the Council's Annual Plan processes.

The costs of housing a dog in the pound will be recovered from the dog's owner before the dog is released (some examples of costs may include dog food and veterinary fees). If a dog is adopted, destroyed, or otherwise disposed of, fees will still be recovered from the owner.<sup>20</sup>

## **10.3 Adoption of unclaimed dogs**

Where a dog is released from the Council's control to a new owner, the new owner is not required to pay impounding fees, but is required to pay the cost of registration if dog is unregistered

No dog will be released from the pound into the ownership of any person or organisation which may use the dog for the purposes of research in which the dog is subjected to physical operations or treatment causing changes, whether temporary or permanent.

## **Section 11: The issuing of infringement notices**

The Council will issue warnings and / or infringement notices (instant fines), for infringement offences as set out in Schedule 1 of the Act, at a Dog Control Officer's discretion.

### ***Explanation***

***The Council aims to encourage people to comply with regulatory requirements through education and working with people, rather than by taking a hard enforcement approach.***

***Dog Control Officers will consider each situation on an individual basis and have discretion as to what approach they take. The powers of Dog Control Officers are set out in the Act.***

## **Section 12: Areas under the Conservation Act**

The Act requires, under section 10(5), that a dog control policy identifies any areas in the district where there are dog restrictions on Department of Conservation land, including any national parks.

For further information about dog access on land managed by the Department of Conservation, please contact the Department of Conservation directly – refer Schedule 7.

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<sup>20</sup> In accordance with S 69(6) of the Dog Control Act

## **SCHEDULES**

### Schedule 1 - Leashed Dog Control Areas

- Township of Waitangi
- Township of Owenga
- Township of Te One
- Township of Kaingaroa
- Owenga Wharf
- Kaingaroa Wharf

### Schedule 2 - Prohibited Dog Control Areas

- Waitangi Playground
- Norman Kirk Memorial Reserve Playground
- Te One Community Swimming Pool
- Kapito Cemetery
- Owenga Cemetery

### Schedule 3 - Dog Exercise Areas

- Waitangi Beach
- Beaches that have public access

### Schedule 4 - Summer Beach Prohibition Areas

*None defined*

### Schedule 5 - Prohibited Importation of Dogs Types

Breed and type of dog subject to ban on Importation and muzzling –

#### Part 1 - Breed of dog

- Brazilian Fila
- Dogo Argentino
- Japanese Tosa
- Perro de Presa Canario

#### Part 2 - Type of dog

- American Pit Bull Terrier

## Schedule 6 - Infringements, Offences and Fees

<b>Section</b>	<b>Brief Description of Offence</b>	<b>(\$)</b>
18	Wilful obstruction of dog control officer or ranger	750
19(2)	Failure or refusal to supply information or wilfully providing false particulars	750
19A(2)	Failure to supply information or wilfully providing false particulars about dog	750
20(5)	Failure to comply with any bylaw authorised by the section	300
23A(2)	Failure to undertake dog owner education programme or dog obedience course (or both)	300
24	Failure to comply with obligations of probationary owner	750
28(5)	Failure to comply with effects of disqualification	750
32(2)	Failure to comply with effects of classification of dog as dangerous dog	300
32(4)	Fraudulent sale or transfer of dangerous dog	500
33EC(1)	Failure to comply with effects of classification of dog as menacing dog	300
33F(3)	Failure to advise person of muzzle and leashing requirements	100
36A(6)	Failure to implant microchip transponder in dog	300
41	False statement relating to dog registration	750
41A	Falsely notifying death of dog	750
42	Failure to register dog	300
46(4)	Fraudulent procurement or attempt to procure replacement dog registration label or disc	500
48(3)	Failure to advise change of dog ownership	100
49(4)	Failure to advise change of address	100
51(1)	Removal, swapping, or counterfeiting of registration label or disc	500
52A	Failure to keep dog controlled or confined	200
53(1)	Failure to keep dog under control	200
54(2)	Failure to provide proper care and attention, to supply proper and sufficient food, water, and shelter, and to provide adequate exercise	300
54A	Failure to carry leash in public	100
55(7)	Failure to comply with barking dog abatement notice	200
62(4)	Allowing dog known to be dangerous to be at large unmuzzled or unleashed	300
62(5)	Failure to advise of muzzle and leashing requirements	100
72(2)	Releasing dog from custody	750

## Schedule 7 - Conservation Areas

Please contact the Chatham Islands Department of Conservation for 'List of Conservation Areas

- Telephone: 03 305-0098
- email: [chathamislands@doc.govt.nz](mailto:chathamislands@doc.govt.nz)