

Dog Control Amendment Bill (no 2)

Submission to: **Local Government and Environment Select Committee**

Bill: **Dog Control Amendment Bill (No 2)**

From: **Wellington City Council**

Date: **20 February 2008**

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1. Introduction

The Wellington City Council welcomes the opportunity to comment on the Dog Control Amendment Bill (No 2.). Wellington is a vibrant city and a great place to live, work, and play and the Wellington City Council wants to maintain and enhance Wellington's reputation as an internationally competitive city.

As a territorial authority the Wellington City Council (the Council) has a statutory duty to promote the environmental, economic, social and cultural well-being of the city and its people, and facilitate democratic local decision making. The Council recognises that the regulation of dogs is important to the safety and wellbeing of the whole community.

The Council believes that responsible dog control legislation and associated regulations, coupled with appropriately resourced enforcement and education, is crucial to managing dog control activities in the city. This submission reflects the Council's commitment to promoting the four well-beings (noted above) by advocating for a responsible dog control framework on behalf of the city's 180,000 residents.

2. The Dog Control Act 1996

The object of the Dog Control Act 1996 (the Act) is 'to make better provision for the care and control of dogs:

- By requiring the registration of dogs; and
- By making special provision in relation to dangerous and menacing dogs; and
- By imposing on the owners of dogs, obligations designed to ensure that dogs do not cause a nuisance to any person and do not injure, endanger, or cause distress to any person, stock poultry, domestic animal, or protected wildlife; and
- To make provision in relation to damage caused by dogs'.¹

The Act requires local authorities to have a Dog Control Policy (s10) and empowering Bylaw (s20) in place. The Council's current Dog Control Policy was adopted in September 2004.

There are 8,500 registered dogs in Wellington.

3. Scope of Submission

This submission addresses issues raised in the Dog Control Amendment Bill (no 2). The Council notes that the Department of Internal Affairs is consulting on a

¹ Section 4, Dog Control Act 1996.

series of options for improving public safety under the Dog Control Act 1996. The Council will make a submission on the wider issues raised in that document.

4. Submission

The Wellington City Council submits the following matters on the Dog Control Amendment Bill

(No 2).

3.1 Government flexibility to prescribe dog control matters for Councils to consider and address

The Council notes the Government's intention to amend sections 10 and 78 of the principal Act to provide flexibility to prescribe dog control matters for Councils to consider and address. Section 10 of the principal Act sets out the duty of territorial authorities when adopting or amending a policy on dogs. Under the proposed amendment to section 10 the Council:

S10(3)(g)

'Must include any matters prescribed in regulations made under section 78(1)(ab)'

S10(5A)

'The territorial authority must fulfil the requirement under subsection (3)(g) to include any matters prescribed in regulations in its policy –

- (a) not later than 12 months after the regulations are made; and
- (b) using the special consultative procedure'.

The Council's concern is that while regulations provide flexibility and a greater degree of administrative ease for the Government, they are unlikely to create the rigorous political and informed community debate that an amendment to the Act might. In this context consultation with lead local government agencies, local government expert practitioners and other sector groups is vital and must underpin the regulation making process.

Submission

The Council submits that the requirement to consult with local government be set out in section 78 of the principal Act. This requirement is consistent with the new section 78A(2)&(3) which relates to matters to which the Minister must have regard before recommending that a further breed or type of dog be added to Schedule 4 (Menacing Dogs). The relevant clause(s) to be added to section 78 (largely borrowed from the aforementioned section are):

S78A(2)(a) (Bill ref: Part 1 cl 7)

Before making a recommendation for the purposes of section [78(1)], the Minister must, -

- (a) consult [and seek advice] from representatives from local government, animal welfare organisations, dog clubs, and veterinary practices that the Minister considers appropriate

S78A(3)(a & b)

For the purposes of making a recommendation under section [78(1)], the Minister may also –

- (a) consult any other person or organisation that he or she thinks relevant; and
- (b) seek advice on, and have regard to, any other matter he or she thinks relevant

By including the suggested wording in legislation (or wording to that effect) the intent of Parliament becomes clear, namely, that the responsible Minister must have regard to the views of local government in the development of regulations which impact on local authorities. This approach supports best practice and avoids any doubt for the Governor-General when making a decision by Order in Council.

3.2 Make it mandatory for dogs classified as menacing by virtue of belonging to a breed or type listed in schedule 4 of the Act to be neutered.

The proposed amendment to section 33E of the principal Act will make it mandatory for all local authorities to neuter dogs classified as menacing according to schedule 4 (due to breed or type). This has been the Council's policy since 2004.

Submission

The Council supports the neutering of dog breeds identified in schedule 4, which have a genetic predisposition for aggression. Neutering of dogs due to their breed or type is considered to be a precautionary measure to help reduce the risk of attack. Neutering also means that over a period of time the breeding of aggressive dog breeds or types is significantly reduced and potentially eliminated. The Council supports the Government's plans to have the Perro de Presa Canario breed of dog added to Schedule 4 as a precautionary measure. This amendment also creates practical benefits through a consistent approach across the country. It simplifies the registration system when menacing dogs are registered with another local authority.

While neutering may help to reduce the likelihood of a dog demonstrating aggressive behaviour it can never eliminate the possibility of attack entirely. Other factors are also significant, such as the environment the dog is raised in, how and what it is trained for, and the level of understanding of dog behaviour by the owner and the wider community. Education is therefore an important component in harm minimisation. Local authorities focus primarily on grass roots education programmes, but lack resources to access mainstream media such as television. The Council considers that more could be done by Central Government to raise awareness of safety around dogs in that regard.

3.3 Simplify the process of adding a breed or type of dog to Schedule 4 (menacing dogs)

The proposed amendment to section 78 of the principal Act removes the requirement for the Government to seek a resolution from the House of Representatives before a breed or type of dog can be added to schedule 4 via the

Order in Council process. The Council notes that the amendment affords the Government some administrative ease in modifying schedule 4.

However, the Council notes that the proposed Bill will continue the existing requirement for the Minister to consult with local government, animal welfare organisations, dog clubs, and veterinary practices - along with other organisations as the Minister thinks relevant - ahead of recommending to the Governor General via an Order in Council that a dog breed or type be added or moved from one part of the schedule to another part of the schedule.

Submission

Although the Council lends its support to the notion of neutering of menacing dogs due to their breed or type, it is not an unqualified support. Careful consideration about breeds to be added to schedule 4 needs to take place and better data is required to support any additions to the schedule. The Council is pleased to see that the requirement to consult with local government and other agencies is being retained in the amendment to section 78 of the principal Act.

5. Conclusion

The Wellington City Council is supportive of measures to improve dog control in the interests of community safety and wellbeing. This submission outlines the Council's views on how the Bill can be improved.

Thank you for the opportunity to comment on the Dog Control Amendment Bill (No 2).

Yours sincerely

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