
SUBMISSION ON DOG CONTROL POLICY OPTIONS

1. Purpose of Report

To seek Committee approval to the attached submission on dog control policy options to the Department of Internal Affairs.

2. Recommendations

It is recommended that the Committee:

1. *Receive the information.*
2. *Agree to the submission on dog control policy options to the Department of Internal Affairs attached as Appendix 1.*
3. *Authorise the Chief Executive and Social Portfolio Leader to make any minor editorial changes to the submission required as a result of SPC discussion.*

3. Background

The Government is reviewing the legislative controls on dogs in New Zealand in response to periodic serious dog attacks.

3.1 *Dog Control Amendment Bill (No. 2)*

As part of the review the Government is proposing an amendment to the Dog Control Act 1996 (the Act). The scope of the proposed amendment is fairly narrow with the most significant change, the mandatory neutering of dogs classified as menacing due to breed / type, which reflects the Council's current policy. The Strategy and Policy Committee agreed to a submission on the Dog Control Amendment Bill (No. 2) on February 14.

3.2 *Dog control policy options paper*

Further amendments to the Act are being considered and the Department of Internal Affairs (DIA) has issued a dog control discussion document entitled '*Improving public safety under the Dog Control Act 1996: policy options*'.¹ The discussion document sets out nine policy options for consideration and consultation closes March 31. A proposed submission is attached as Appendix 1.

¹ See: http://www.dia.govt.nz/diawebsite.nsf/wpg_URL/Resource-material-Dog-Control-Index?OpenDocument

3.3 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'.²

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. The policy is due for review by 2009, (i.e. 5 years after its adoption) or sooner in response to legislative changes. Officers plan to review the policy in 2008, pending legislative changes.

There are 8,500 registered dogs in Wellington. Sixty-five dogs (0.7% of registered dogs) are classified as menacing.

3.3.1 The Council's Dog Control Policy & Bylaw

The Council's Dog Control Policy:

- identifies public places and parts of the district where dogs are prohibited, either generally or at specified times, places where dogs need to be controlled on a leash, and dog exercise areas where dogs may be exercised at large
- sets out criteria for achieving a responsible dog owner status
- sets out Council's commitment to educating residents about dogs
- lists offences under the Act and outlines enforcement
- specifies the nature of the bylaw
- requires mandatory neutering of menacing dogs by virtue of breed / type in accordance with schedule 4 of the Act, and discretionary neutering for dogs classified as menacing due to behaviour
- outlines how fees will be set.

The Council's Animals Bylaw:

- empowers dog control officers to issue a notice to abate a dog nuisance
- prohibits diseased dogs or dogs on heat from being in a public place
- requires dog owners/handlers to remove and dispose of dog faecal matter
- identifies public places where dogs are allowed
- provides for the impounding of roaming dogs
- requires any owner who keeps more than three dogs (other than on a rural property) to obtain a licence.

² Section 4, Dog Control Act 1996.

4. Discussion

4.1 *Dog Control Act 1996 generally provides adequate controls*

The Minister of Local Government, Hon Nanaia Mahuta, acknowledges that the current Dog Control Act 1996 (and subsequent amendments in 2004 & 2006) provides, on the most part, adequate controls to manage dogs.³ However, the Government is concerned about serious dog attacks and is seeking to tighten legislative controls in order to prevent harm.

Officers support the view that the Act generally provides the necessary range of tools to manage dogs in Wellington. The key issue with any legislative change is whether the proposal will have the desired intent, namely, the minimisation of serious dog attacks. In this context, further legislative changes require careful examination of potential benefits against administrative difficulty and cost.

The vast majority of dog owners in Wellington are responsible and abide by the Act and the Council's policy and bylaw. It is important therefore that a reasonable balance is struck between minimising harm and enabling responsible dog owners to 'get on' and enjoy their dogs.

4.2 *What's proposed?*

The proposed policy options are targeted towards those who do not take their duty of care as dog owners seriously. Policy options issued by the DIA build on / augment existing legislative controls, with the exception of owner licensing which is new.

In summary the proposed options are:

- Include additional breeds in schedule 4 of the Dog Control Act
- Mandatory destruction of dogs classified as dangerous
- Increase the controls on dogs classified as menacing to the level of controls for dogs classified as dangerous
- Mandatory neutering of dogs classified as menacing under Section 33A (behaviour)
- Owner licensing
- Councils may require proof of breed
- Probationary owners to surrender dogs classified as dangerous and menacing
- Increase dog containment standard
- Round up and faster destruction of unregistered dogs.

The draft submission sets out the Council's position on the proposed options.

³ Letter to Mayor Prendergast 18 December 2007

5. Conclusion

The Department of Internal Affairs is consulting on policy options to improve public safety around dogs. A proposed submission is attached for consideration by the Committee.

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Supporting Information
1) Strategic Fit / Strategic Outcome <i>The Council has a statutory duty under the Dog Control Act 1996 to adopt a policy and bylaw on the control of dogs in Wellington and this paper supports Council's outcome '6.5 Healthier - Wellington's population will enjoy a healthy lifestyle and high standards of public health'.</i>
2) LTCCP/Annual Plan reference and long term financial impact <i>The Dog Control Policy and bylaw are monitored and enforced by the Property, Consents and Licensing Directorate under Activity 6.5.3 and are funded from the operating project C478 Public Health Inspection and Control. Potential costs to Council have been flagged in the submission.</i>
3) Treaty of Waitangi considerations <i>No Treaty of Waitangi implications have been identified.</i>
4) Decision-Making <i>A proposed submission to the Department of Internal Affairs is attached for consideration and approval by the Committee.</i>
5) Consultation <i>The proposed submission has been drafted by Council Officers. Discussion has taken place with Local Government New Zealand and other local authorities.</i>
6) Legal Implications <i>No legal implications have been identified.</i>
7) Consistency with existing policy <i>The proposed submission is consistent with the Council's existing policy and comments on proposed government policy</i>

Appendix One