The Department of Internal Affairs
Te Tari Taiwhenua

Improving Public Safety under the Dog Control Act 1996: Policy Options

New Zealand Government

Improving Public Safety under the Dog Control Act 1996: Policy Options

Foreword by the Minister of Local Government

Tēnā koe

Following the fatal dog attack on Virginia Ohlson in April 2007, I directed the Department of Internal Affairs to consider options to improve dog safety and control. The Government has decided on a package of initiatives that were announced on 31 October 2007.

The publication of this discussion document is one of those initiatives. It describes and summarises a number of ideas that have been identified to improve dog safety and control. I would very much like to receive your comments in response to ideas raised in this document.

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. Dog legislation is about managing risk and provides for action to mitigate unreasonable risk. The ideas set out in this document are in line with this approach.

Key stakeholders have told me that the Dog Control Act 1996 is, for the most part, sufficient. The ideas set out in this document build on this legislation. The idea of owner licensing, however, raises the possibility of a more substantial extension.

The other initiatives in the Government package announced on 31 October 2007 include:

- working on ways of enhancing the data available on dog safety and control;
- developing a set of national guidelines for councils to provide practical guidance and support in the implementation of the Act;
- developing consistent public messages on dog safety to inform people of the inherent risks that dogs pose and improve public understanding of dog behaviour;
- the introduction on 21 November 2007 of a Bill making a limited number of amendments to the Dog Control Act 1996; and
- commencing the process to add the Perro de Presa Canario breed of dog to Schedule 4 of the Dog Control Act 1996.

This Government is committed to maintaining a balance between people enjoying the benefits of responsible dog ownership and people being safe from dogs. I look forward to receiving your comments in response to this document.

Heoi anō

Hon Nanaia Mahuta
Minister of Local Government

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Background

Recent data shows that there are some 484,358 dogs recorded in the National Dog Database (NDD) in New Zealand.[1] Some 4,966 of these are classified as menacing and a further 481 are classified as dangerous.

Dog control is regulated by the Dog Control Act 1996 (the Act). The Act was introduced after a major review of dog control in the mid 1990s and it has been amended in 2003, 2004 and 2006. The Act is implemented by city and district councils with the support of their communities. The regime for dog control requires compliance with the Act, under which dog owners are responsible for the control of their dogs.

The purpose of the Act is to make better provision for the control of dogs. The main features of dog control under the Act are that:

- councils must adopt dog control policies, maintain the dog registration system, and enforce the Act;
- all dogs must be registered;
- councils must submit registration information to the NDD, which assists co-ordination of dog registration and control between councils;
- city and district councils have the power to seize, impound or destroy dogs in specified circumstances;
- dog owners have specific obligations, with penalties for non-compliance;
- probationary dog ownership and disqualification of people from owning dogs are available as penalties;
- all newly-registered dogs (except working dogs) and impounded, dangerous and menacing dogs are required to be microchipped;
- classification of dogs as 'dangerous' or 'menacing' imposes additional owner control obligations; and
- since 2003, the import of the 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.

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

1 Registered or previously registered dogs, National Dog Database snapshot report 7 August 2007.

Introduction

This discussion document seeks your views on ideas that could help further improve dog control and public safety around dogs. These ideas were put forward during the Government's recent review of dog control.

The review identified that:

- some dog owners are imposing high risks on others through their unwitting or deliberate non-compliance with the existing law;
- some of the general population are accepting high levels of risk, unwittingly or consciously through their behaviour;
- there is inconsistent enforcement (and in some instances, low levels of enforcement), which reduces effective risk management; and
- there are inconsistent educational messages, which may also reduce effective risk management.

The ideas presented in this document relate to measures to manage risks to the public associated with dogs. The ideas in this document, should they be pursued, would be likely to require further changes to the Act. They would also be likely to create costs for councils and therefore dog owners and/or ratepayers. The Government is seeking your views about these ideas before it decides to develop them further.

Please read this discussion document with the following questions in mind:

- What do you think is the source of problems associated with dogs?
- Will the ideas outlined in the discussion document contribute to improved dog control and public safety around dogs?
- Do you think the options identified in the discussion document are the most important ones?
- Is there anything important missing in the options for discussion?
- Do the options address the identified issues?
- Do you think the options would merit the potential cost?
- Which, if any, of these options do you think are the most important and should become law?
- Is there anything else you would like to comment on in relation to the Act?

Please send us your comments by 5.00pm, Monday 31 March 2008. You can download a copy of the Response Form at www.dia.govt.nz/dogcontrol and email your comments to dogcontrol@dia.govt.nz, or post a hard copy to:

Improving Public Safety Under the Dog Control Act 1996: Options for Discussion, Department of Internal Affairs, PO Box 805, Wellington.

Option 1: Include Additional Breeds in Schedule 4 of the Dog Control Act

The Current Law

Schedule 4 of the Act specifies the breeds and types of dog that are banned from import. The following breeds and types of dog are currently listed in Schedule 4:

- American Pit Bull Terrier (type);
- Japanese Tosa;
- Brazilian Fila; and
- Dogo Argentino.

Councils must classify an individual dog as menacing under section 33C of the Act if there are reasonable grounds to believe it is "wholly or predominantly" of one or more of the breeds or types listed in Schedule 4. Menacing dogs must be muzzled in public and may be required to be neutered.

The Government announced on 31 October 2007 that it will also be moving to add the Perro de Presa Canario breed (Presa Canario) to Schedule 4 of the Act.

What Change is Being Discussed?

There are public perceptions that other breeds and types of dogs could pose a risk to the public.

We are seeking your views about whether any other dog breeds or types should be added to Schedule 4 and, if so, which ones?

The Pros and Cons of Change

There is a perceived risk associated with specific breeds of dogs. Certainly, larger dogs that have strong jaws and are tenacious and, therefore, less likely to stop once an attack has begun are more capable of inflicting serious injury.

The Presa Canario, for example, has been used for organised fights. It was involved in a fatal attack in California in 2001. This breed is not known to be present in New Zealand or Australia. Australia prohibited the import of Presa Canario in November 2005.

Information about aggressiveness in other breeds is, however, difficult to assess. For example, the Staffordshire Bull Terrier and American Staffordshire Terrier, which are not included in Schedule 4, are often perceived by some members of the public as being aggressive breeds. While both breeds are banned in Ontario, they are not banned in the United Kingdom or most of Australia. The Kennel Club in the United Kingdom records the Staffordshire Bull Terrier as the fifth most popular breed in that country.

Breed is only one factor that may contribute to aggressive and attack behaviours in dogs. A dog's parentage, training and socialisation may be more important than breed in some cases. It can also be difficult to identify the breed of dog correctly, particularly in the case of cross-breeds.

Adding more breeds to Schedule 4 might add operational complexity and increase costs for councils and the New Zealand Customs Service, which are required to identify whether a specific dog is a Schedule 4 breed/type or not.

A further difficulty is the lack of comprehensive and detailed statistics about dog attacks. There is limited usable data that brings together information about the breeds or types of dogs involved in attacks, the characteristics of the victims and dog owners, and the circumstances of the attacks.

There would also be financial costs to owners of dogs belonging to the breeds or types added to Schedule 4. For example, councils are required to classify such dogs as menacing and can require them to be neutered under the current law. As outlined below under option 3, the Government has introduced the Dog Control Amendment Bill (No 2) into Parliament. The Bill proposes to make neutering mandatory for dogs that are classified as menacing because their breed or type is listed on Schedule 4.

Questions for Discussion

*Please provide your views on the following questions. If you answer **yes** or **no** to these questions please provide the reasons for your answers. Please include any views you may have about the option being discussed, even if it does not relate to a specific question.*

Q1.1 What additional breeds of dog should be added to Schedule 4 of the Dog Control Act? Why?

Q 1.2 What should be the basis for identifying which breeds should be included in Schedule 4?

Option 2: Destruction of Dogs Classified as Dangerous

The Current Law

Councils shall 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 public safety 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.

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.

The controls imposed on dogs that are 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.

Owners of dogs classified as dangerous can object to this classification.

What Change is Being Discussed?

This option considers the mandatory destruction of dogs classified as dangerous in the future. (This option is not intended to apply to dogs classified as dangerous in the past).

The Pros and Cons of Change

This option would send a strong signal about the undesirability of keeping dangerous dogs. It could improve safety by removing dangerous dogs from the population.

However, there is no indication that current controls on dogs classified as dangerous are inadequate.

The Court already has the ability to order the destruction of a dog upon the conviction of an owner whose dog commits serious offences under the Act.

It is also possible that this option could result in more objections, litigation and avoidance from affected dog owners thereby undermining the benefit of such a policy.

The "rushing" offence specified in Section 57A(2) of the Act is at the lower end of the offence scale. This offence is included in the classification of dangerous dogs as an early indicator that certain dogs may require closer supervision. In these circumstances, the destruction of the dog may be disproportionate.

Questions for Discussion

*Please provide your views on the following questions. If you answer **yes** or **no** to these questions please provide the reasons for your answers. Please include any views you may have about the option being discussed, even if it does not relate to a specific question.*

Q 2.1 Do you think the current controls imposed on dangerous dogs are sufficient to control such dogs?

Q 2.2 Are the behaviours that determine whether a dog is dangerous appropriate as a measure of the risk the dog poses to society? Does the list of behaviours need to be changed? If so, what would you propose?

Q2.3 Do you support or oppose the mandatory destruction of all dogs classified as dangerous? Why or why not?

Option 3: Increase the Controls on Dogs Classified as Menacing to the Level of Controls for Dogs Classified as Dangerous

The Current Law

Menacing Dogs

There are some 4,966 dogs currently classified as menacing.[2] 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 a dog is wholly or predominantly of a breed or type of dog listed in Schedule 4 of the 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 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.

Councils currently have the discretion to require dogs to be neutered if they are classified as menacing under either section 33A or section 33C. The Dog Control Amendment Bill (No 2), which is currently before Parliament, proposes the mandatory neutering of dogs classified as menacing because their breed or type is listed in Schedule 4 of the Act. All dogs classified as menacing must be muzzled in public.

What Change is Being Discussed?

An option is to increase the level of control placed on dogs currently classified as menacing so that it is equivalent to the level of control currently imposed on dogs classified as dangerous. These controls are: compulsory neutering; secure fencing; muzzling and leashing in public; higher registration fees; and council approval of the dog being given to other people.

[2] Registered or previously registered dogs, National Dog Database snapshot report 7 August 2007.

The Pros and Cons of Change

The question is whether or not a raised level of control is desirable for dogs that are classified as menacing.

Raising the minimum level of control should send a strong signal that menacing dogs require closer supervision than the dog's owner is currently responsible for providing.

Raising the level of controls may impose some additional costs on the owners of such dogs and on councils in terms of enforcement.

Questions for Discussion

*Please provide your views on the following questions. If you answer **yes** or **no** to these questions please provide the reasons for your answers. Please include any views you may have about the option being discussed, even if it does not relate to a specific question.*

Q 3.1 Do you think the current obligations on owners of dogs classified as menacing are sufficient?

Q 3.2 Do you support or oppose elevating the level of control on dogs classified as menacing to the level of control on dogs classified as dangerous?

Option 4: Mandatory Neutering of Dogs Classified as Menacing under Section 33A

The Current Law

The Act currently provides councils with the authority through their dog policy to require neutering of dogs classified as menacing. Some councils have done so and some have not.

Dogs are primarily classified as menacing in either of two ways:

- 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 a dog is wholly or predominantly of a breed or type of dog listed in Schedule 4 of the Act (Section 33C).

Councils must classify an individual dog as menacing under section 33C. Councils may classify a dog as menacing under section 33A. Menacing dogs must be muzzled in public.

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.

The Dog Control Amendment Bill (No 2), which is currently before Parliament, proposes the mandatory neutering of dogs classified as menacing because their breed or type is listed in Schedule 4 of the Act.

What Change is Being Discussed?

In addition to the change proposed in the Bill, dog owners could be required to neuter dogs that are classified as menacing under section 33A.

The Pros and Cons of Change

Dogs can be classified as menacing under section 33A if a council considers a dog may pose a threat to the safety of people or animals on the basis of observed or reported behaviour or characteristics typically associated with the dog's breed or type. Mandatory neutering may assist in reducing the number of dogs that may pose such a threat.

Inevitably, moving to mandatory neutering in respect of these dogs will impose some costs on their owners and may increase council enforcement costs.

Questions for Discussion

*Please provide your views on the following questions. If you answer **yes** or **no** to these questions please provide the reasons for your answers. Please include any views you may have about the option being discussed, even if it does not relate to a specific question.*

Q 4.1 Should dogs classified as menacing under section 33A of the Dog Control Act also be required to be neutered? Why or why not?

Option 5: Owner Licensing

The Current Law

Dogs must be registered with local councils. The location and ownership of each dog is identified in the dog registration information. Dog owners are not required to be registered.

What Change is Being Discussed?

- General or targeted licensing of dog owners could be required in addition to registering a dog.
- Lawful ownership and control of dogs could be restricted to licensed owners.
- Registered dogs could be linked to licensed owners.
- Education courses or levels of knowledge could be prerequisites for a licence, with the option for regular re-testing.
- Being an unlicensed dog owner would lead to consequences such as the automatic loss of the dog, either for re-homing or destruction, and penalties for unlicensed ownership.

The Pros and Cons of Change

Licensing All Dog Owners

The rationale for the suggestion of licensing all dog owners is to help to ensure that people owning and controlling dogs are fit and proper persons. Owner licensing has long had its advocates. There is a strong public view that irresponsible dog owners are a major problem, particularly in combination with dogs perceived as being associated with a higher risk of causing harm than other dogs (high-risk dogs).

Licensing owners would strongly reinforce owner responsibility for dog behaviour and dog safety.

Owner training could reduce the risk of a dog causing harm, as it enables the owner to keep the dog under better control. Effective testing and enforcement could reduce irresponsible ownership and better ensure animal welfare.

An Ad Hoc Ministerial Group on Dog Control considered owner licensing in 2003, but did not recommend it. The Group thought that owner licensing would make it more difficult to legally own a dog and could increase illegal dog ownership. Illegal ownership, would in turn, make it harder to identify who has dogs that may be associated with high risk and where they are kept.

Targeted Owner Licensing

It could be possible to licence people who want to own high-risk dogs on the basis that the higher risk justifies greater assurance of an owner's competence.

Alternatively, licensing could be targeted at the character of owners. For example, licensing might be required for people who have committed offences under the Act or who have other relevant convictions.

Breeder licensing

Another variation could include the licensing of dog breeders to try to ensure that high-risk breeds are not perpetuated in the "gene pool".

There are issues about how such licensing would be enforced. Would licensing be the responsibility of councils or would it require more active involvement from central government agencies?

Costs of licensing

There would be significant costs associated with regulating, establishing, administering and enforcing owner licensing. Targeted licensing could also have a high cost per licence.

Dog owners would be likely to be required to pay the cost of the licence. The costs of supporting and enforcing owner licensing would be an additional cost to councils who would, in turn, seek to recover those costs from dog owners and/or other licensees.

Licensed owner privacy would need to be protected. Secure systems would need to be established to allow access to the registers only by relevant organisations. Alternatively there may be a justification for the register of licensed owners to be public information, if this would assist in compliance. The costs of maintaining these registers might also be recovered from dog owners and/or other licensees.

Potential to Change Council Roles

It is likely that owner licensing would require some form of centralised administration to work effectively across the whole country. The possible scope could range from the central operation of a database to support councils, to central government administration and operation of the system. The extent to which national standards are incorporated into a licensing system could also be relevant. As a result, licensing owners could reduce local council and community discretion in dog control matters.

Questions for Discussion

*Please provide your views on the following questions. If you answer **yes** or **no** to these questions please provide the reasons for your answers. Please include any views you may have about the option being discussed, even if it does not relate to a specific question.*

Q 5.1 Do you support owner licensing? How would it improve safety around dogs?

Q.5.2A If so, should all owners be licensed? If so, why?

Or

Q.5.2B Should licensing be targeted in some way? If so, on what basis?

Q 5.3 Should dog breeders be licensed? If so, why?

Q.5.4 Should the licence administration be carried out by individual councils or by a central authority?

Q 5.5 How should owner licensing be funded?

Option 6: Councils May Require Proof of Breed

The Current Law

Details of a dog's breed may be required when registering a dog. Breed identification is important in the current system because the Schedule 4 mechanism for banning importation and requiring dogs to be classified as menacing is based on a dog being "wholly" or "predominantly" of a breed or type listed in Schedule 4.

There is no requirement on registration for further checking of the breed of a dog by a council officer seeing the dog, although some councils do this. While there are penalties for giving false information, a small number of dog owners are thought to seek to disguise the actual breed of their dogs, thereby avoiding breed-based control measures.

What Change is Being Discussed?

Councils could be given more explicit powers to require proof as to breed of a dog at the time of registration. Under this option, the onus would be on the owner to provide proof of breed and the council would be able to make a determination of breed where inadequate proof is provided. This approach could be consistent with the objection process for dogs classified as menacing under section 33C, where the owner must provide evidence that the dog is not of a Schedule 4 breed or type. Alternatively, the requirement that a dog be wholly or predominantly of a Schedule 4 breed in order to be classified as menacing could be broadened to terms such as "significantly" or "noticeably".

The Pros and Cons of Change

This option should go some way to resolving the practical difficulties associated with breed identification.

Breed classification can be difficult except with pure-bred dogs. Veterinarians are often reluctant to attest formally to breed for registration purposes, leaving the assessment role to councils.

This option should also help to discourage dog owners from misrepresenting the breed of their dog when they register it and would support the integrity of registration. Dog registration data is relied upon by a number of people from a range of agencies, some of whom may be called to an address in an emergency.

Care would need to be taken, however, to ensure that this option does not discourage dog registration. Councils may be able to improve safety by extending the controls of the menacing classification to more dogs that are cross-breeds of Schedule 4 breeds or types, but which are not predominantly or wholly of the breed or type. Use of a broader classification standard could lead to more classification disputes. It could impose on owners the costs of proving a dog's lineage, which will be difficult for dogs that are not pure-bred.

Questions for Discussion

*Please provide your views on the following questions. If you answer **yes** or **no** to these questions please provide the reasons for your answers. Please include any views you may have about the option being discussed, even if it does not relate to a specific question.*

Q 6.1 Do you support this approach?

Q 6.2 In what circumstances would it be appropriate for councils to require evidence of breed, or to determine the breed of a dog if no evidence is produced?

Q 6.3 Would a broader threshold for breed and type classification of a Schedule 4 breed or type of dog, such as "significantly" or "noticeably", enable councils to improve public safety around dogs?

Q 6.4 Can you suggest alternative ways of resolving difficulties in identifying a dog's breed?

Option 7: Probationary Owners to Surrender Dogs Classified as Dangerous or Menacing

The Current Law

Owners may be placed on probation for a period of up to 24 months either on the basis of a conviction under the Act or specified offences under the Animal Welfare Act 1999, the Conservation Act 1987 or the National Parks Act 1980, or if the owner commits three infringement offences under the Act in a 24 month period.

Currently owners are required to give up their ownership of any unregistered dogs they have in their possession within 14 days of being made probationary. However, they may keep registered dogs they owned at the date they were made probationary.

What Change is Being Discussed?

Probationary owners would be required to surrender any registered dogs that are classified as dangerous or menacing.

This could be immediate on an owner being made probationary. Alternatively, giving up such dogs may be delayed until after the probationary owner has either failed to attend, or failed to meet a satisfactory standard at, a dog education programme or dog obedience course as required.

The Pros and Cons of Change

The basis of this option is responsible dog ownership.

Dogs that have been classified as dangerous or menacing can be anticipated to require closer supervision from a responsible owner.

There would be compliance and enforcement costs associated with this proposal. It is possible it might drive the ownership of high-risk dogs underground.

Questions for Discussion

Please provide your views on the following questions. If you answer yes or no to these questions please provide the reasons for your answers. Please include any views you may have about the option being discussed, even if it does not relate to a specific question.

Q7.1 Should owners who have been placed on probation retain responsibility for dogs classified as dangerous or menacing?

Option 8: Increase Dog Containment Standard

The Current Law

The Act requires a higher level of containment in respect of dogs classified as dangerous.

The Act currently requires that dogs classified as dangerous must be "kept in a securely fenced portion of the owner's property" (Section 32). Dogs not classified as dangerous either must be under direct control or "the owner of a dog must, at all times ensure that,…the dog is confined within the land or premises in such a manner that it cannot freely leave" (Section 52A).

Options for Discussion

This option would increase the standard of containment required from the owners of all dogs beyond ensuring that the dog cannot "freely leave" an owner's property.

Compliance would be achieved by any lawful method that meets the standard, such as fencing or building a run.

Pros and Cons of this Option

This approach retains the flexibility of the current provision, but increases an owner's responsibility to prevent dogs escaping.

It avoids specifying exactly the method that need be employed and so avoids some of the cost and potential difficulties that might arise with too prescriptive an approach.

There may be costs associated with ensuring that dogs are kept secure within a property. Costs would also arise if councils needed to inspect properties to ensure compliance. It is anticipated that the associated compliance costs may differ in urban, provincial and rural circumstances.

Questions for Discussion

*Please provide your views on the following questions. If you answer **yes** or **no** to these questions please provide the reasons for your answers. Please include any views you may have about the option being discussed, even if it does not relate to a specific question.*

Q 8.1 Should dog owners' responsibilities for ensuring the security of their dogs be made clearer and more explicit?

Q 8.2 Should the standard for containment of dogs be increased?

Option 9: Round Up & Faster Destruction of Unregistered Dogs

The Current Law

All dogs must be registered. Registration is central to dog control and links a dog to its owner. This assists enforcement and enables lost dogs to be returned to owners. Microchipping will increase in importance as a support for registration as more of the dog population is microchipped.

The Act provides for unregistered dogs to be impounded. Unclaimed dogs are able to be disposed of after seven days.

What Change is Being Discussed?

This option would impose clear obligations on councils to round up unregistered dogs. In addition, councils could be allowed to destroy unclaimed unregistered dogs sooner than the minimum seven day holding period.

The Pros and Cons of Change

There is some evidence indicating that unregistered dogs are more likely to be associated with risk than registered dogs. Some councils already target unregistered dogs by impounding them, fining owners and seeking registration fees. The proposed measures may help reduce the unregistered dog population.

There is a risk under this type of measure, however, that dogs that get genuinely lost without their registration identification and without a microchip could be destroyed before their owners can retrieve them.

This option would also be expected to impose some additional costs on councils in terms of enforcement.

Questions for Discussion

*Please provide your views on the following questions. If you answer **yes** or **no** to these questions please provide the reasons for your answers. Please include any views you may have about the option being discussed, even if it does not relate to a specific question.*

Q 9.1 Should councils be required to round up unregistered dogs?

Q 9.2 Should councils be able to destroy unclaimed, unregistered dogs in less than seven days?

Q 9.3 If not, what should the minimum period be?

Glossary

The terms listed below have specific definition in the Dog Control Act 1996

The Act:

means the Dog Control Act 1996 wherever it is referred to unless the context demands otherwise

Dog classified as dangerous / dangerous dog

means a dog classified as a dangerous dog under section 31 of the Dog Control Act 1996 by virtue of being:

"(a) Any dog in respect of which the owner has been convicted of an offence under section 57A(2) of this Act; and

(b) Any dog which the territorial authority has, on the basis of sworn evidence attesting to aggressive behaviour by the dog on one or more occasions, reasonable grounds to believe constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife; and

(c) Any dog that the owner admits in writing constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife."

Dog classified as menacing / menacing dog

means a dog classified as menacing under either sections 33A or 33C of the Dog Control Act 1996, as being a dog that:

(Section 33A)

"(1) .....

(a) has not been classified as a dangerous dog under section 31; but

(b) a territorial authority considers may pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of—

(i) any observed or reported behaviour of the dog; or

(ii) any characteristics typically associated with the dog's breed or type." ; OR

(Section 33C)

"(1) **...** the territorial authority has reasonable grounds to believe belongs wholly or predominantly to 1 or more breeds or types listed in Schedule 4."

Probationary owner

means a dog owner classified as a probationary owner under section 21 of the Dog Control Act 1996:

"(1) Where any person is convicted of any offence (not being an infringement offence) against this Act or any offence against Part 1 or Part 2 of the Animal Welfare Act 1999 in respect of a dog or any offence against section 26ZZP of the Conservation Act 1987 or section 56I of the National Parks Act 1980, the territorial authority may classify that person as a probationary owner.

(2) Where any person commits 3 or more infringement offences [(not relating to a single incident or occasion)] within a continuous period of 24 months, the territorial authority may classify that person as a probationary owner."

Published by: Local Government and Community Branch
The Department of Internal Affairs
December 2007

All enquiries to the publisher

ISBN Number: 978-0-478-29458-3 (print)
978-0-478-29459-0 (web)