

Questions and Answers

Questions and answers on the Dog Control Amendment Act 2003

When does the Act come into force?

Most provisions come into force on 1 December 2003. The microchipping provisions will come into force on 1 July 2006. The requirement to keep a dog under control or confined when on its owner's property takes effect from 1 June 2004.

What does 'territorial authority' mean under the Act?

The Dog Control Act 1996 and the Dog Control Amendment Act frequently use the term 'territorial authorities'. This means city and district councils and the Chatham Islands Council. It does not include regional councils. For brevity, this outline refers to territorial authorities as 'councils'.

Will currently registered dogs be required to be microchipped?

No, the only dogs that will need to be microchipped will be:

- dogs first registered on or after 1 July 2006;
- dogs that have been classified as dangerous or menacing after 1 December 2003 (although not required to be actually microchipped until after 1 July 2006).

Does the Act provide for a national dog control database?

Yes, all councils will be required to provide dog control information, including microchip numbers, to a national dog control database. The start date for the database will be set by Order in Council.

Will dog owners have to fence their dog?

No, but from 1 June 2004 all owners will be required to ensure that, when the dog is on their property, the dog is either under control or cannot freely leave the property.

Will the Act allow councils to ban someone from owning a dog if they've been convicted of owning a dog involved in a serious attack?

Yes, for up to 5 years.

Will a council be able to require a probationary owner to undertake a dog education programme and/or a dog obedience course?

Yes.

What dogs are banned from importation?

The American Pit Bull Terrier, the Dogo Argentino, the Brazilian Fila, and the Japanese Tosa.

Can other breeds of dogs be banned from importation?

Yes, but the Act provides that an Order in Council must be agreed to by Parliament before a new breed or type of dog can be added to the list of restricted dogs (contained in a new Schedule 4 to the Dog Control Act).

Prior to recommending such an Order, the Minister of Local Government is required to consult with such representatives from local government, animal welfare organisations, dog clubs and veterinary practices, as the Minister considers appropriate.

What is a 'menacing' dog?

A new classification of menacing dog has been created under the Act. A menacing dog is one that has been declared menacing by a city or district council where it considers that the dog 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.

Where a council has reasonable grounds to believe that a dog is wholly or predominantly one of the breed or type listed in Schedule 4 to the Act (listed above) it must classify it as menacing.

If a council declares a dog to be menacing, the dog must be muzzled when in public and the council may require it to be neutered.

What is a dangerous dog?

The classification of dangerous dog is provided for under the current Act and is not substantially changed under the Amendment Act. A council must classify as a dangerous dog:

- (a) any dog in respect of which the owner has been convicted of a rushing offence (section 57A of the Act sets out what constitutes a rushing offence);
- (b) any dog which the council 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;
- (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.

Will dogs have to be leashed in all public places?

No, but councils will be required to review their dog control policies by 1 September 2004, against strengthened criteria. The effect of this will be that in most popular public places, dogs will be required to be on a leash.

In more remote areas that have not been designated as on-leash or dog free areas, dogs will still be able to be run off-leash.

All dangerous dogs will be required to be leashed when in public, except in dog exercise areas.

Have the penalties under the Act increased?

Yes, most fines under the Act have increased from a maximum of \$1,500 to a maximum of \$3,000. The penalty for owning a dog involved in a serious attack has increased from a maximum fine of \$5,000 and/or a maximum of up to three months in jail, to a maximum fine of \$20,000 or a maximum of three years in jail.

Have councils now got stronger powers to seize dogs?

Yes, the powers of dog control officers and dog rangers to seize dogs have been strengthened for dogs:

- that have attacked,
- that have rushed (what counts as rushing is set out in the Act);
- are unregistered,
- that are without an adequate supply of food or water, or shelter,
- that wander and not under control, and
- whose owners have not met the obligations for keeping a dangerous or menacing dog.

Will councils have to provide more information about their administration of dog control?

Yes, councils will be required to report annually on their dog control activities, including information on the number of registered dogs, dogs declared dangerous and menacing, infringement notices issued, number of dog related complaints and the nature of those complaints, and prosecutions taken under the Act.