

Police to investigate serious attack.

11 December 2003

- M E M O R A N D U M -

TO: Animal Control Officers
FROM: Jane Johnston, *Local Government New Zealand*
SUBJECT: Implementing the New Provisions of the Dog Control Act,

Purpose

The purpose of this memo is to:

- advise animal control officers that material on dog safety will be delivered to their units to assist with raising public awareness around dog safety and to inform officers of the outcomes of the 8 December meeting between the Dog Control Project Team and the Department of Internal Affairs.
- Provide a copy of the legal opinion on leashing (S54) and bylaw provisions.
- Provide further information about prescribed forms.
- Give a 'heads up' on information management with regard to dogs classified as dangerous and menacing dogs from 1st December 2003.
- Report on the progress of the good practice guide for dog control.

1 Meeting between the Dog Control Project Team and the Department of Internal Affairs (DIA).

A *The National Public Awareness and Education Campaign*

The Dog Control Project Team met with representatives from the Department of Internal Affairs on 8 December to discuss and provide input on the public awareness campaign on dog safety.

The Department is currently working on dog safety brochures for distribution to the public via animal control officers. The Project Team have been asked to provide feedback on this material and suggest changes. It is hoped that this material will be available to you and your team early next year. The Department is also working on posters and hopes to have these to you before Christmas.

The brochures will be translated into six languages: Maori, Samoan, Tongan, Chinese Modern, Chinese Traditional and Korean. It is hoped that this will ensure the information reaches a wider section of New Zealand communities.

The Project Team have marked a number of changes to be made to the brochure. A copy of these changes will be sent to the Department of Internal Affairs requesting the amendments be made before the brochure goes to print.

The DIA is also working on a 'schools package', an information kit for school children. The purpose of these packs is to heighten child awareness and encourage children to be safe around dogs. The kit will be distributed directly to schools and to TAs, so Animal Control Officers may use these when visiting schools.

There is also further work to be done with the DIA on a wider public awareness campaign, that includes the establishment of a website. *Local Government New Zealand* will be undertaking further work with the Dog Control Project Team to provide advice to the Department on the key messages and facts that need to be disseminated to the public on the issues of dog safety and dog control.

B *Predicting increased costs for councils, to implement the new provisions.*
The Project Team has agreed to prepare an advice sheet for the sector about costs associated with implementing the new provisions of the Act.

C *Advice on implementing the new 'breed specific' and typing provisions.*
The Project Team and the DIA have agreed to work to provide advice to assist identification of breeds and types, to enable a consistent approach to be taken by councils in classifying dogs as either dangerous or menacing based on appearance. The Team is also developing advice to assist classifying a dog depending on observed behaviour, that will be available in the good practice guide next year.

D *Advice on prescribed forms*
The Team and DIA have worked to provide advice on the use of the new prescribed forms, additional advice is provided with this memo.

If you have further questions on the outcomes of the meeting please do not hesitate to contact me.

2 Legal Opinion on the implications of the new section 54A(1) inserted into Dog Control Act, on section 20.

Late last week I began receiving enquiries about the relationship between these sections in terms of councils' ability to enforce bylaws that required leashing of dogs in certain public places, when a Dog Control Act amendment seemed only to require an owner to carry (and not necessarily use) a leash in public. I provided a copy of a letter from the Department of Internal Affairs clarifying it's legal advisors opinion, but this was not formal legal advice. I sought a legal opinion (see attached). It provides that councils can make bylaws requiring leashing in certain public places (times, etc) and enforce these bylaws.

3 Prescribed Forms

We have received a number of enquiries about the lack of a form for 'menacing dogs'. I have received the following advice from the Department of Internal Affairs.

"there is no form for menacing dogs. Sections 33A and 33C provide that if a dog is classified as menacing the territorial authority must give written notice to the owner of the dog's classification, right to object etc.

A prescribed form is only used where the Act specifies that something must be done using a prescribed form”.

I have also attached, for your information, some further advice on prescribed forms.

4 A Heads Up on information management with regard to dogs classified as dangerous and menacing dogs from 1st December 2003.

The new provisions relating to micro-chipping, don't require dogs to be inserted with a chip until June 2006. However, at that time the requirement is retrospective as it includes all dogs TAs classify as either dangerous or menacing since 1st December 2003.

This provides that TAs need to establish and maintain an accurate and detailed record of all dogs it classifies as dangerous or menacing from 1 December 2003. While the obligation is on the owner to get that dog micro-chipped in 2006, they should be advised of this at the time of classification, and reminded in 2006.

5 A Heads Up on s 58 – Dogs causing serious injury.

Due to the escalation in penalties associated with a serious injury incident, council needs to be aware that a prosecution ought now to be taken by the Police. That suggests the Police will need to carry out the investigation.

When an Animal Control Officer or call centre receives a complaint or news of an incident, they must contain the situation ASAP, in that they must attempt to seize the dog. However, council needs to immediately contact the Police to follow up with investigation and collection of evidence, as it is the **Police that will need to take the prosecution.**

It may be necessary to communicate this need directly to your local Police, to ensure they are able to respond to these complaints. Local Government New Zealand will be corresponding with the NZ Police about this matter.

6 The Local Government Dog Control Team – Dog Control Guide

The Team has made good progress drafting a good practice guide for dog control. It is currently refreshing the advice to ensure compliance and appropriateness with the new provisions. We anticipate finalising the draft in January, having it peer reviewed in February, edited and published in March. This very comprehensive good practice guide therefore, will be available by the end of March.

Kind Regards

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Local Government New Zealand