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**REPORT 4**  
*(1215/52/IM)*

## **ANNUAL REPORT ON DOG CONTROL IN WELLINGTON CITY FOR THE YEAR 1 JULY 2007 – 30 JUNE 2008**

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### **1. Purpose of Report**

To report on dog control in Wellington City for the year 1 July 2007 - 30 June 2008 – as required under Section 10A of the Dog Control Act 1996<sup>1</sup>.

### **2. Recommendations**

Officers recommend that the Committee:

1. *Receive the information*
2. *Agree to the attached report on the Council's policy and practices in relation to dog control for the year 1 July 2007 to 30 June 2008.*
3. *Note that the report is required under Section 10A of the Dog Control Act 1996 and that Section 10A requires that the report be publicly notified and a copy provided to the Department of Internal Affairs.*
4. *Recommends to Council that it:*
  - (a) *Agree to the attached report on the Council's policy and practices in relation to the control of dogs for the year 1 July 2007 to 30 June 2008.*

### **3. Background**

The Council has a legal requirement to manage the provisions under the Dog Control Act 1996 and Dog Control Amendment Acts 2003, 2004 and 2006. The Dog Control Act provides the legislative framework for Council to manage dog behaviour, public safety and owner compliance<sup>2</sup>.

The Council's Dog Control Policy was adopted in September 2004. The Policy makes provisions relating to the control of dogs in public places, within Wellington City. These policy provisions are enforceable under the Wellington City Council Consolidated Bylaw 2008 - Part 2 Animals.

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<sup>1</sup> s10A excerpt attached as appendix i

<sup>2</sup> information regarding the menacing and dangerous classifications is attached as appendix ii

The Council's Dog Control Policy is currently being reviewed. The Dog Control Policy was last reviewed by Council in 2004 and received 1019 written submissions. Areas of concern raised by submitters included; the adequacy of dog exercise areas, application of the Responsible Dog Owner status criteria, micro-chipping of dogs, neutering menacing dogs, and dogs fouling.

In May 2008, a dog exercise area survey was distributed to registered dog owners. There were 3494 responses, 38.9% of registered owners. The purpose of the survey was to find out where Wellington city dog owners exercise their dogs and which designated dog exercise areas are used most/least. Lyall Bay beach was the most frequently mentioned exercise area with more than three times the responses received for the second most mentioned area – Ataturk Memorial. It was identified that the most popular exercise areas are those that have the features of safety, parking, rubbish bins, a water source and interest for the dog.

The draft Dog Policy and draft Animals Bylaw is scheduled for consideration at SPC on 16 April 2009.

#### **4. Discussion**

The Council has a statutory duty, under Section 10A of the Dog Control Act 1996, to report annually on its Dog Control Policy and practices. The Council is also required to give public notice of the report and must send a copy to the Secretary of Local Government (Department of Internal Affairs), which will be sent on the resolution of the Council.

The attached report meets the Council's statutory duty for the year: 1 July 2007 – 30 June 2008.

#### **5. Conclusion**

The annual report on dog control in Wellington City for the year 1 July 2007 to 30 June 2008 fulfils a statutory duty under Section 10A of the Dog Control Act 1996.

Appendix i: Dog Control Act 1996, Section 10A excerpt

Appendix ii: Dog Control Act 1996, Dangerous and Menacing classifications

Appendix iii: Section 10A Report

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## **Supporting Information**

### **1) Strategic Fit / Strategic Outcome**

*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. This paper supports the following Council outcomes - Outcome 2.1: Safety To ensure that people in Wellington feel safe at any time, Outcome 2.8 Public Health, Public Health efforts promote the health and wellbeing of the population, 6.5 Healthier - Wellington's population will enjoy a healthy lifestyle and high standards of public health.*

### **2) LTCCP/Annual Plan reference and long term financial impact**

*The Dog Control Policy and bylaw are monitored and enforced by the Risk, Consents & Licensing Directorate under Activity 6.5.3 and are funded from the operating project C478 Public Health Inspection and Control.*

### **3) Treaty of Waitangi considerations**

*N/A*

### **4) Decision-Making**

*The report reflects the views and preferences of those with an interest in this matter who have been consulted with.*

### **5) Consultation**

*This report has been prepared by Council officers. Officers have contacted the Department of Internal Affairs in preparation of this report.*

### **6) Legal Implications**

*This report meets the Council's statutory obligations under Section 10A of the Dog Control Act 1996.*

### **7) Consistency with existing policy**

*The report is consistent with the Council's current Dog Control Policy and the Wellington Consolidated Bylaw 2008 – Part 2 Animals.*

## Appendix i - Section 10A, Dog Control Act 1996

### **s10A - Territorial authority must report on dog control policy and practices**

- (1) A territorial authority must, in respect of each financial year, report on the administration of—
  - (a) its dog control policy adopted under section 10; and
  - (b) its dog control practices.
- (2) The report must include, in respect of each financial year, information relating to—
  - (a) the number of registered dogs in the territorial authority district:
  - (b) the number of probationary owners and disqualified owners in the territorial authority district:
  - (c) the number of dogs in the territorial authority district classified as dangerous under section 31 and the relevant provision under which the classification is made:
  - (d) the number of dogs in the territorial authority district classified as menacing under section 33A or section 33C and the relevant provision under which the classification is made:
  - (e) the number of infringement notices issued by the territorial authority:
  - (f) the number of dog related complaints received by the territorial authority in the previous year and the nature of those complaints:
  - (g) the number of prosecutions taken by the territorial authority under this Act.
- (3) The territorial authority must give public notice of the report—
  - (a) by means of a notice published in—
    - (i) 1 or more daily newspapers circulating in the territorial authority district; or
    - (ii) 1 or more other newspapers that have at least an equivalent circulation in that district to the daily newspapers circulating in that district; and
  - (b) by any means that the territorial authority thinks desirable in the circumstances.
- (4) The territorial authority must also, within 1 month after adopting the report, send a copy of it to the Secretary for Local Government.

### **Appendix ii: Dog Control Policy 2004 – Dangerous and Menacing Classifications**

#### **Classification as Dangerous Dog**

Under the Act provision is made for classifying individual dogs as dangerous. This classification is made where:

- an owner of the dog has been convicted of an attack offence under section 57A(2) of the Act
- the territorial authority has sworn evidence that the dog has shown aggressive behaviour
- the owner admits that the dog constitutes a threat to the safety of any person, animal or stock.

This procedure is prescribed by law and is not open to interpretation by Council.

In addition to all other obligations the owner of any dog that is classified as dangerous must:

- ensure their property is fully fenced and gated
- ensure the dog is muzzled in any public place
- ensure the dog is neutered
- not dispose of the dog to any other person without the written consent of the territorial authority.

Classifying dogs as dangerous is an effective method of controlling individual dogs that have demonstrated aggressive or dangerous behaviour. Council will, where appropriate, classify dogs as dangerous.

#### **Classification as Menacing Dog**

Under the Act provision is made for classifying dogs as menacing. This classification is made where a territorial authority considers a dog may:

- pose a threat to any person, stock, poultry, domestic animal, or protected wildlife because of any observed or reported behaviour of the dog or
- has characteristics typically associated with a prohibited dog breed or type.

#### ***Menacing classification due to breed or type***

In addition to all other obligations the owner of any dog that is classified as menacing due to breed or type must:

## APPENDIX 2

- ensure the dog is muzzled in any public place
- ensure the dog is neutered within 1 month of classification.

### ***Menacing classification due to behaviour***

In addition to all other obligations the owner of any dog that is classified as menacing due to behaviour:

- must ensure the dog is muzzled in any public place
- may be ordered by the Council to have the dog neutered, within 1 month of notification.

Classifying dogs as menacing is an effective method of controlling individual dogs that have demonstrated aggressive or dangerous behaviour. Council will, where appropriate, classify dogs as menacing