



# LOCAL GOVERNMENT INFORMATION SERIES



**DOG SAFETY AND CONTROL REPORT FOR 2008/09**

2010/01

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## **EXECUTIVE SUMMARY**

Dog control is regulated by the Dog Control Act 1996 (the Act). The Act was introduced after a review of dog control in the mid 1990s and was amended in 2003, 2004 and 2006. The Act, and its amendments, are implemented by city and district councils with the support of their communities. The purpose of dog control is to maintain and improve public safety.

There is little systematic information collected or monitored on the incidence and characteristics of dog bite attacks. It is therefore difficult to build an overall picture of the effectiveness of the dog control regime. This report provides some analysis of data from the National Dogs Database (NDD), supplemented by information from Accident Compensation Corporation (ACC) dog bite claims and Ministry of Justice prosecutions.

This report is based on currently available information on dog populations, dog attacks, enforcement and prosecutions. As such it provides a snapshot as at May 2009, it is intended to repeat this analysis in 2010 so as to better understand any trends around improvements in public safety.

### **Dog Population**

As at May 2009, there were 491,620 dogs registered in the NDD. This equates to 11 registered dogs per 100 people. The council with the largest number of registered dogs was the Christchurch City Council with 29,991 dogs. Other councils with dog populations greater than 15,000 were the Auckland City Council (19,476) and the Manukau City Council (18,147).

The majority of councils have between 10 and 20 registered dogs per 100 people. Large metropolitan areas, which have the greater total number of dogs, generally have the lowest proportion of dogs per 100 people, with Auckland City Council (4), Manukau City Council (5), Hamilton City Council (5) and the Christchurch City Council (8) all having less than ten dogs per 100 people.

Of the registered dog population in May 2009, 26% (129,298) of dogs were microchipped, and 43% (215,217) were neutered.

### **Dog Attacks**

In 2008/09 there were 9,647 new claims for dog bites and 10,648 active claims. This equates to an average of 1.96 new and 2.16 active claims per 100 registered dogs.

Since 2002/03 the number of new claims has increased by 26% and the number of active claims by 30%. The total cost of new claims over this same period has increased by 141% to reach \$2.33 million, while that for active claims has increased by 161% to reach \$3.81 million. It is not possible to identify whether the increased costs is due to the impact of medical fees increasing or severity of the incidents.

The region with the highest rate claims in 2008/09 was the Auckland region with 3.64 new claims per 100 registered dogs, and 4.08 active claims per 100 registered dogs.

### **Enforcement**

Around 1.3% (6,585) of the 491,620 registered dogs were classified as menacing with a further 607 dogs classified as dangerous. Of those dogs classified as menacing 64% (4,233) were done so under section 33C(1) for dogs belonging to

restricted breeds and 21% (1,406) were classified under section 33A(1)(b)(i) due to the behaviour of the dog.

Of the 368,003 owners recorded in the NDD in May 2009, 153 were classified as probationary and 178 were disqualified owners. Of the disqualified owners, 84 were disqualified under section 25(1)(a) where a person has committed three or more infringement offences within a continuous period of 24 months, and 87 were disqualified under section 25(1)(b), where an individual has been convicted of an offence under the Act.

As of May 2009 there were 41,216 infringements recorded in the NDD for the previous 30 months. This is an increase of 8% from the 38,192 recorded in May 2008. Three categories accounted for 81% of all infringements. These were:

- section 42, failure to register dog (53% of all infringements);
- section 53(1), failure to keep dog under control (17%); and
- section 52A, failure to keep dog controlled or confined (11%).

### **Prosecutions**

In 2008, there were 306 prosecutions under the Dog Control Act. This represents a 33% decrease in prosecutions compared to 2007. Of the prosecutions made, 56% were under sections 57(1)(a) and 57(2) of the Act, that relate to dogs attacking a person or animals.

Of the 306 prosecutions, 54% (196) resulted in a subsequent conviction. This is also down from the 2007 figure of 283, which equates to a fall of 30.7%. The 306 charges were brought against 210 people, equating to 1.4 charges per person. Overall there has been a 25% decrease in the number of people prosecuted.

Of the sentencing options available, a fine was the most common used, accounting for 69% of all prosecutions. Only one person was imprisoned in 2008 for offences under the Act, compared to with people in 2007. In all three cases, the people were imprisoned under section 58, where a dog has caused serious injury.

The Manukau City Council, had the largest number of prosecutions in 2008, with 32% (98) of all prosecutions. While the Manukau City Council has the highest concentration of prosecutions, these have still fallen by 40% since 2007.

There were 56 dog destruction orders issued in 2008. 75% of these were made under section 57 of the Act where a dog attacked an animal or person.

## BACKGROUND

1. Dog control in New Zealand is regulated by the Dog Control Act 1996 (the Act). The Act was introduced after a review of dog control in the mid-1990s with subsequent amendments in 2003, 2004 and 2006. The Act, and its amendments, are 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 intention of the Act is to improve public safety around dogs by making provision for the control of dogs.
2. The Dog Control Act 1996 makes councils responsible for the control of dogs and makes the registration of dogs mandatory each year. The objectives of the Act are:
  - a. To make better provisions for the care and control of dogs:
    - i) by requiring the registration of dogs;
    - ii) by making special provision in relation to dangerous dogs and menacing dogs; and
    - iii) by imposing on the owners of dogs, obligations designed to ensure dogs do not cause a nuisance to any person and do not injure, endanger, or cause distress to any person; and
    - iv) by imposing on owners of dogs, obligations designed to ensure that dogs do not injure any stock, poultry, domestic animal, or protected wildlife; and
  - b. To make provision in relation to damage caused by dogs.
3. 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 National Dogs Database, which assists coordination 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.
4. The Dog Control Act 1996 can be viewed in full at [www.legislation.govt.nz](http://www.legislation.govt.nz).
5. As noted to Cabinet in 2007, there has been little systematic information collected or monitored on the incidence and characteristics of dog attacks. It is therefore difficult to build an overall picture of the effectiveness of the dog control regime and any changes made to it. This situation can also make targeting and monitoring of measures to mitigate problems difficult. As part of a package of dog control measures approved by Cabinet in October 2007, the Department of Internal Affairs (the Department) was directed to pursue work on enhancing the data available on dog safety and control with affected parties, including councils.

6. Other initiatives in the Government package announced on 31 October 2007 included:
  - developing a set of national guidelines for councils to provide practical guidance and support in the implementation of the Act; and
  - developing consistent public messages on dog safety to inform people of the inherent risks that dogs pose and improve public understanding of dog behaviour.

## **MONITORING**

7. This report pulls together and analyses the available information on dog control. The Department has identified three main datasets with which to monitor the dog control policy, these are:
  - The National Dogs Database;
  - Accident Compensation Claims involving dog bites; and
  - Ministry of Justice prosecutions under the Dog Control Act 1996.

### **National Dogs Database (NDD)**

8. The NDD is a national repository of registered dog and owner information. Councils supply and maintain the information contained within the NDD. The NDD has been in operation since 2007.
9. Information required to be described on the register includes:
  - the name, address, date of birth of the owner and the dog;
  - address at which the dog is kept;
  - description of the dog (i.e. breed, colour, distinguishing marks, microchip number, etc);
  - age and sex of dog and whether the dog has been desexed;
  - the registration number of the tag or disc issued to that dog; and
  - other information considered necessary by Council for the purposes of the Act.
10. The NDD is dependent upon the territorial authority dog control systems. These provide on a regular basis (ideally each working day) one or more sequentially numbered batch files that contain inserted, updated, or deleted information pertaining to dogs, owners, registrations, and infringements that have occurred since the previous period's batch file(s) were sent.
11. The Act specifies that the Department has limited access to information in the database for governance and policy development purposes. Since August 2007 the Department has been provided with monthly snapshot reports of NDD data , which provide statistics on:
  - total dogs;
  - numbers of dogs classified menacing and dangerous;
  - number of dogs microchipped;
  - number of owners classified as probationary;
  - number of owners classified as disqualified; and
  - number of infringement offences.
12. It is considered there is now a sufficient body of data contained within the NDD, and that the data is adequately robust, to begin to analyse and report on trends in dog population. These will enable a better understanding of the impact of dog control interventions over time.

13. When analysing the monthly snapshot figures, it is important to account for the fact that the dog registration year goes from 1 July to 30 June. The snapshot reports analysed must contain sufficient registration data to support subsequent analysis. For the purposes of this report, the May NDD monthly snapshot has been used because it is the most comprehensive month of data available (Figure 1), as returns from later months are likely to be effected by the timing of the dog registration process.
14. Some issues may also remain with the data as it has taken time for some councils to start using the NDD and to build their own records. When councils are offline from the NDD, their data is not updated. However significant changes may occur when they return depending on how long they were offline. For this reason it is likely there may be potentially significant data changes during re-registration, in July compared to the rest of the year.
15. Due to technical reasons associated with its move to a new IT system, the Franklin District Council has been offline since 2007. As a result, this council has not been able to send any data to the NDD production system for over two years and it has therefore has not been included in the council breakdown analysis.

#### **Accident Compensation Corporation (ACC) data**

16. The ACC provides annual information on dog bite claims. This information is provided by financial year (2008/09). Data is provided for both new claims and active claims.
17. The ACC database only covers cases that meet the criteria for compensation and for which compensation is claimed. It is not known how many unreported dog attacks there are.

#### **Ministry of Justice data**

18. The Ministry of Justice now sends the Department annual information on prosecutions taken under the Act and the number of court-ordered dog destruction orders. This information identifies changes in the level of prosecutions over time, and if any particular offences are increasing or decreasing. The implementation of changes to the tools available to dog control officers may also be detectable from changes to offence information. This information is available in May each year for the previous calendar year.

## DOG POPULATION ANALYSIS

Description	May 2008	May 2009	% change
Total number of registered dogs on the NDD	494,139	491,620	-0.5%
Total number of dogs on the NDD classified as menacing	5,766	6,585	12.4%
Total number of dogs on the NDD classified as dangerous	556	607	8.4%
Total number of dogs on the NDD microchipped	86,515	129,298	33.1%
Total number of owners classified as probationary	80	137	41.6%
Total number of owners classified as disqualified	166	189	12.2%
Total number of infringement offences recorded on the NDD (offences are removed from the NDD after 30 months)	38,192	41,216	7.3%

*Table 1 - Key Statistics from the NDD*

### Registered Dogs

19. Under the Act, all dogs must be registered with the Territorial Authority (Council) in the district the dog is kept before the age of three months and thereafter by 1 July each year. The registration year is the same for all councils and runs from 1 July to 30 June every year.
20. Registration is a legal requirement under section 36 of the Act. This is irrespective of whether the dog is kept for companionship, security or for business reasons (such as farm dogs). Councils are required to keep a register of dogs registered within their area boundaries.
21. The overall pattern of registration across the dog registration year is illustrated in Figure 1. As expected, the number of dogs registered increases further into the dog registration year. July has the greatest number of dogs being registered, and May (towards the end of the registration year) has the greatest number of total registered dogs.

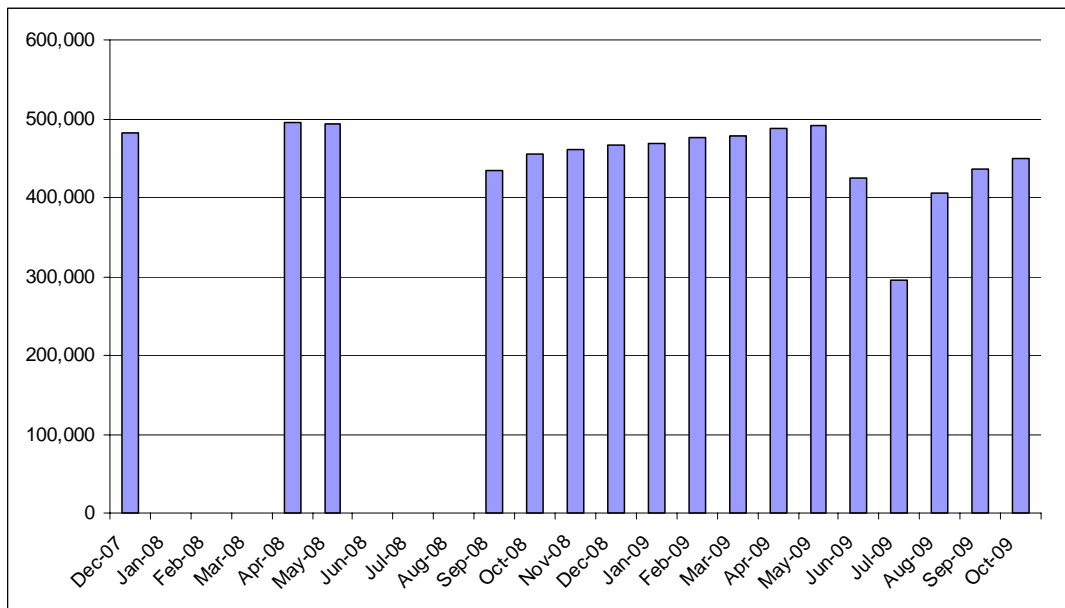


Figure 1 - Total number of registered dogs on the NDD by month

22. In May 2009 there were 491,620 dogs registered with their relevant councils. From May 2008 to May 2009 there was a 0.5% decrease in the number of registered dogs, from 494,139.
23. As of May 2009, the council with the largest number of registered dogs was the Christchurch City Council with 29,991 registered dogs. This was followed by the Auckland City Council (19,476) and the Manukau City Council (18,147).
24. Councils with the lowest number of registered dogs were Chatham Islands Council with 489, followed by Kaikoura District Council (1,013) and Kawerau District Council (1,123). Note that these councils also have the smallest populations.
25. Registration fees are determined by each council and there are currently a range of approaches. It has not been possible as part of this analysis to identify any relationships between the rate of registration and fees.

### Concentration of Registered Dogs

26. The total of registered dogs in May 2009 equates to approximately 11 dogs per 100 people. When population is considered the Chatham Islands Council has the highest concentration of dogs at 72 registered dogs per 100 people, followed by the Mackenzie District Council (47), Hurunui District Council (46), Southland District Council (44), Central Hawke's Bay District Council (43), Waitomo District Council (41) and Waimate District Council (40). Not surprisingly, these are all rural councils where it is expected there will be a greater number of working dogs. As illustrated in Figure 2, most councils have between 10 and 20 registered dogs per 100 people.

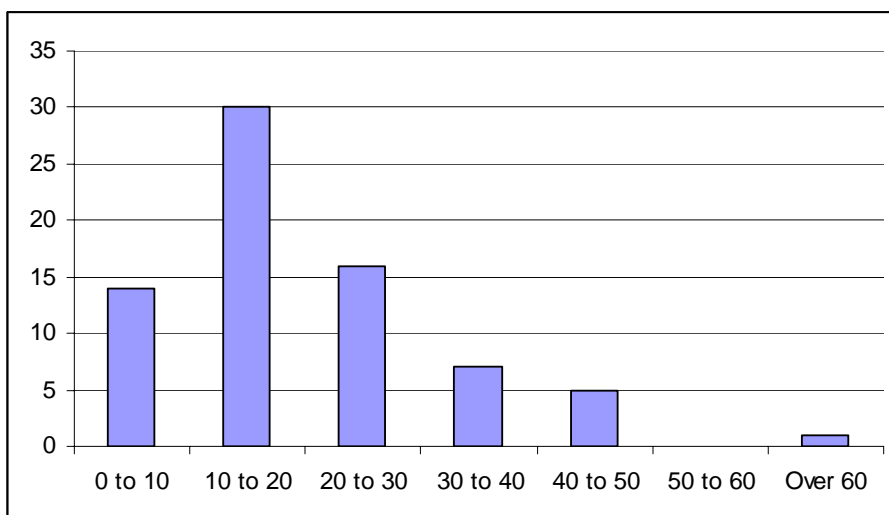


Figure 2 – Registered dogs per 100 People (frequency)

27. 14 councils have fewer than 10 registered dogs per 100 people. These are mainly large metropolitan areas, which have the greatest total number of dogs, have a lower number of dogs per 100 people than the national average of 11. These councils include the Auckland City Council (4), Manukau City Council (5), Hamilton City Council (5) and Christchurch City Council (8).

### Breeds of Dogs

28. The NDD identifies 386 different breeds of dog in New Zealand (as at May 2009), this comprises 182 cross breeds and 204 pure breeds. Pure breeds were the most popular type of dog, accounting for 73% (356,906) of the total registered dogs, with cross breeds accounting for the remaining 139,544.

29. The most common breed of dog is the Labrador Retriever, which comprises 13.8% (73,269) of the total dog population. This population can be split into 61% classified as pure breed and 39% cross breed Labrador Retrievers. The second most popular breed of dog was the Huntaway, with a total of 45,458 dogs 80% of these being classified as pure breed.

30. In addition to the cross breed Labrador Retriever, the Staffordshire Bull Terrier cross was the only other only other cross breed dog to make it into the top ten dogs by breed (see Table 2).

Breed Name	Breed Type	Total Dogs	Registered Dogs
Labrador Retriever	Pure	44,687	41,265
Huntaway	Pure	36,400	34,313
Labrador Retriever	Cross	28,582	26,062
Border Collie	Pure	26,358	24,443
Fox Terrier (Smooth)	Pure	21,382	19,726
Jack Russell Terrier	Pure	21,149	19,497
Heading	Pure	16,436	15,554
German Shepherd	Pure	14,496	13,108
Smooth Collie	Pure	14,261	13,741
Staffordshire Bull Terrier	Cross	12,884	11,117

Table 2 - Top 10 dog breeds (as at May 2009)

31. The number of registered pure and cross breed restricted dogs (as included in schedule 4 of the Dog Control Act) listed in the NDD are:
- American Pit Bull Terrier (4,870)
  - Dogo Argentino (95)
  - Brazilian Fila (4)
  - Japanese Tosa (0)

## DOG CONTROL ANALYSIS

### Microchipping

32. All dogs first registered on or after 1 July 2006, and all dogs classified as dangerous or menacing since 1 December 2003 are required to be microchipped. Dangerous and menacing dogs classified before 1 July 2006 were required to be microchipped within two months of that date. Dogs released from pounds after 1 July 2006 also have to be microchipped if they are impounded for a second time by the territorial authority.
33. As of May 2009 only 26% (129,298) of all registered dogs were microchipped. Over the last year there has been a 49% increase in the number of microchipped dogs from May s008 when only 17 of the registered dog population was microchipped. The number of microchipped dogs appears to be steadily increasing each month, and does not seem fluctuate as much as the registered dog population (Figure 3). This is because dogs registered before July 2006 are eventually being replaced, with new dogs required to be microchipped before being registered.

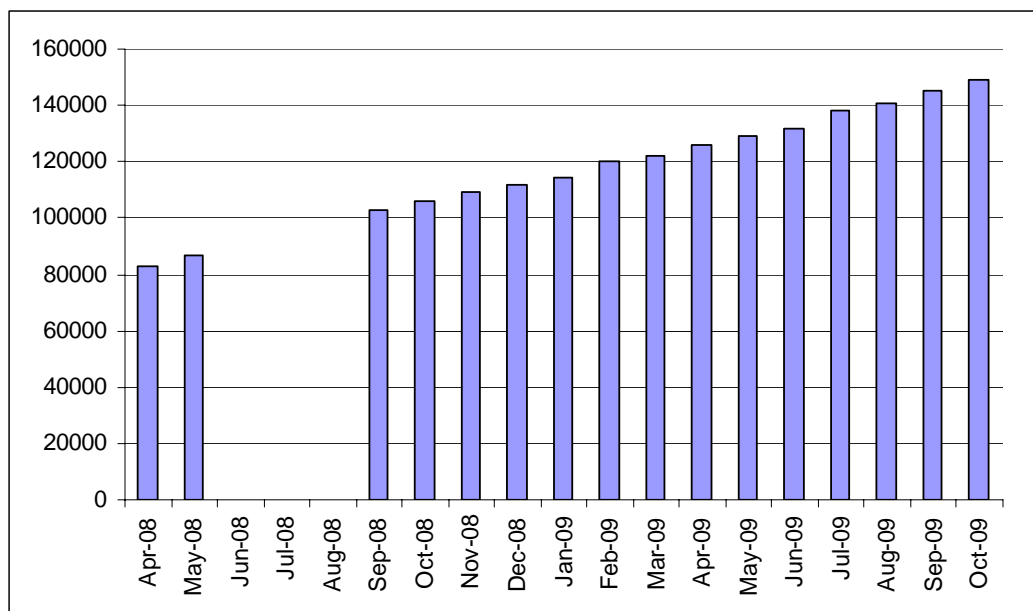


Figure 3 - Number of dogs microchipped

34. This microchipped rate varies significantly by council. The proportion of microchipped dogs are found in urban areas such as Hamilton City Council (69%), Porirua City Council (43%), and Tauranga City Council (40%). 30 councils have less than 20% of their registered dogs microchipped. The lowest percentages occur in predominantly rural councils, such as the Chatham Islands

Council (0.7%), Ruapehu District Council (3.7%), Central Hawke's Bay District Council (4.7%) and the Clutha District Council (6.8%).

35. Part of the issue of the lower than expected rate of microchipped dogs can be attributed to a large number of redundant records contained in council databases. Owners who fail to register do not advise the Council that their dogs have died or that they have left the district. One council found that once the redundant records were removed, this increased the percentage of dogs that were microchipped. The fact the working dogs are not required to be microchipped also means that predominantly rural councils with a larger proportion of working dogs will have lower a lower proportion of their registered dogs microchipped.
36. There were 18 breeds with a 100% microchipped rate, this includes the schedule 4 listed Dogo Argentino and Brazilian Fila pure breeds (both of which have a relatively small total number of dogs in the population). 300 breeds had less than 50% of the dogs microchipped, and these which account for 95% (463,905) of all registered dogs.
37. Of the other restricted dogs in New Zealand, the American Pit Bull Terrier pure breed had an 83% microchipped rate and the cross breed 78%. The Dogo Argentino cross breed had the lowest microchipped rate at 59%. These rates are of concern, as all restricted dogs are required to be microchipped.

### **Neutering**

38. Neutering male dogs is intended to reduce their aggressive impulses, thereby reducing the likelihood of injury due to fighting. Neutered males are also less likely to mark their territory or try to 'mate' with objects or people. This is seen as an effective tool for reducing dog attacks. Some councils encourage desexing by offering discounts on registration fees for neutered and spayed pets.
39. 43% (215,217) of all registered dogs have been desexed. By gender this breaks down to 38% of all male, and 43% of all female dogs. 40% of desexed dogs were pure breeds, compared to 55% of cross breeds, this is expected as pure breed dogs are more often kept for breeding purposes.
40. As shown in Figure 4, the percentage of dogs neutered varies dramatically by breed with a range of 0% to 100%. 17 breeds have more than 90% of their registered dogs neutered, however this only accounts for 137 dogs in total.
41. Of the top 10 most popular breeds, the lowest neutered rates are for the Huntaway pure breed (8%), the Heading pure breed (5%) and the Collie Smooth pure breed (3%). These low rates may reflect the breeding and management requirements for these predominantly working dogs. The majority of dog breeds have between 40% and 60% of their total registered population neutered.

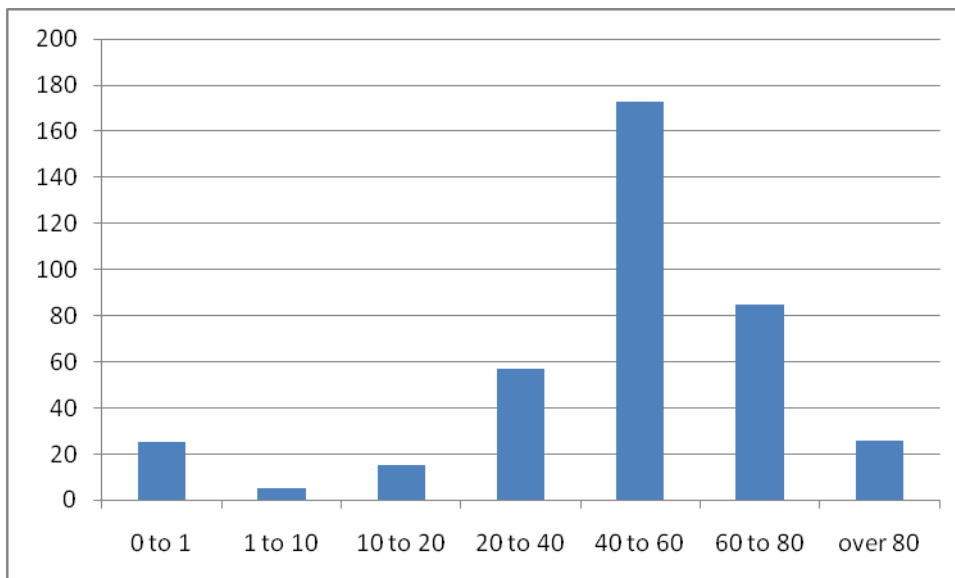


Figure 4 - Dog breeds by percent neutered

42. Dog breeds with a population of over 500 registered dogs that have a high percentage of neutered individuals include:

- Dobermann cross – 88% (608) neutered
- Welsh Cardigan Corgi cross – 75% (885) neutered ;
- Soft Coated Wheaten Terrier pure – 71% (1,198) neutered; and
- German Shepherd cross – 70.6% (5,077) neutered.

## ENFORCEMENT ANALYSIS

### Menacing Dogs

43. A dog is classified as a 'menacing dog' if a council considers the dog poses a threat to any person, stock, poultry, domestic animal, or protected wildlife because of:

- any observed or reported behaviour of the dog - section 33A(1)(b)(i); or
- any characteristics typically associated with the dog's breed or type - section 33A(1)(b)(ii); and
- the council may declare the dog to be a menacing dog - 33C(1) for dogs under schedule 4.

44. Parliament restricted the importing of four breeds of dogs. Councils must classify a dog that belongs wholly or predominantly to one or more of the breed or type listed in schedule 4 of the Dog Control Act. These are as follows:

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

45. If a council has reasonable grounds to believe that a dog belongs wholly or predominately to one of the four breeds/types listed in schedule 4, it must classify the dog as menacing. Menacing dogs must be muzzled when in public and may be required by the council to be desexed.

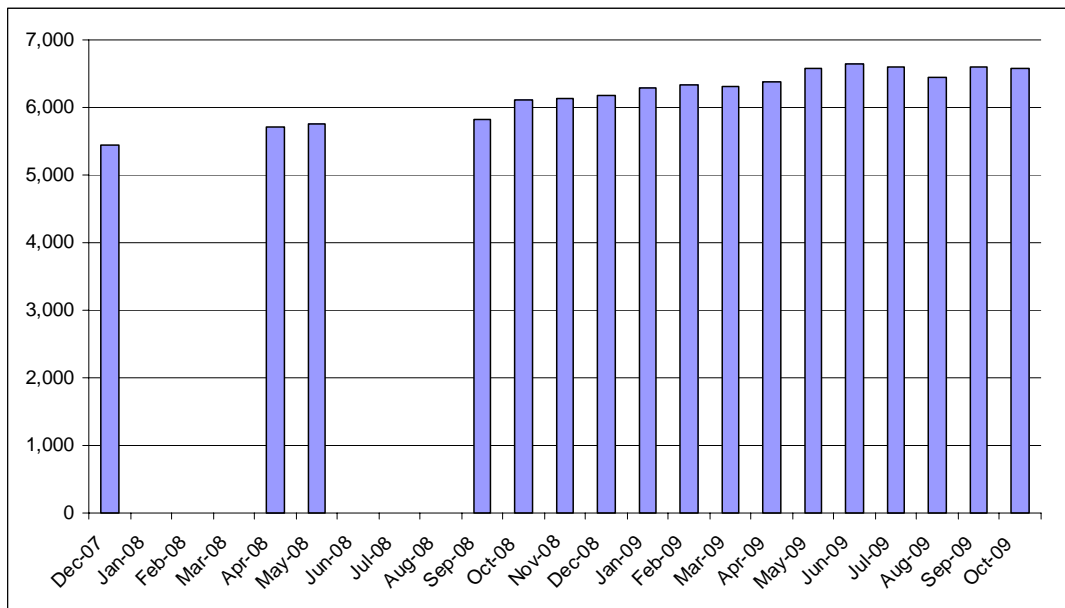


Figure 5 - Registered dogs on the NDD classified as menacing

46. In May 2009, 1.3% (6,589) of all registered dogs were classified as menacing. Since May 2008 there has been a 14% (819) increase in the number of dogs classified as menacing. The Kawerau District Council had the largest percentage of menacing dogs, with 5.9% of dogs registered in this district classified as menacing (although the actual number of dogs is small). This is followed by the Hamilton City Council (4.2%) and South Waikato District Council (3.8%).
47. Schedule 4 listed dogs have a high proportion of their numbers listed as menacing. For example, 87% of the 34 registered Dogo Argentino pure breed dogs were listed as menacing. Similarly 50% of the Brazilian Fila pure breed are classed as menacing, although it should be noted there are only 4 registered dogs if this breed. A high proportion of the 6,288 American Pit Bull Terriers are classified as menacing, with 80% of pure breed and 10% of cross breeds in this category (making 72% of the total population), although this high number needs to be considered in the light of the requirements of the Act.
48. All remaining dog breeds have less than 7.5% of their registered dog population classified as menacing. 367 dog breeds have less than 2% of the registered total population classified as menacing. While this suggests that the reported problems may be concentrated in a few breeds, the total number of dogs classified as menacing in any particular breed also needs to be considered.
49. Of dogs classified as menacing, 64% (4,233) were done so under section 33C(1) for dogs belonging to breeds listed in Schedule 4, 1,406 (21%) were under section 33A(1)(b)(i) due to the behaviour of the dog; and 946 (14%) were under section 33(1)(b)(ii) relating to the characteristic of the dog.
50. Table 3 provides a summary of the top 10 dogs classified as menacing by breed and also the rate of neutering. The national rate of neutering is 43% with both the Pit Bull Terrier and Dogo Argentino pure breeds (of the restricted dogs) having a higher rate than this. Of the restricted dogs, the lowest rate is the Brazilian Fila, with only 25% of the registered dogs being neutered, however given the low number of animals this essentially equates to a single dog.

Breed Name	Breed Type	Menacing dogs (%)	Neutered dogs (%)
Dogo Argentino	Pure	86.7	64.7
American Pit Bull Terrier	Pure	80.0	49.5
American Pit Bull Terrier	Cross	70.2	49.0
Dogo Argentino	Cross	64.7	32.8
Brazilian Fila	Pure	50.0	25.0
Neapolitan Mastiff	Cross	7.5	33.3
Dogue de Bordeaux	Cross	6.1	25.5
Kangal	Pure	5.9	91.7
American Staffordshire Terrier	Cross	4.7	43.8
American Bulldog	Cross	4.2	26.9

*Table 3 - Top 10 proportion of menacing dogs in a breed and rate of neutering. Note that high percentages for the top five dogs relate to the requirements of the Act.*

## **Dangerous Dogs**

51. Councils can classify a dog as dangerous, and place restrictions on it, if:
- the dog owner has been convicted under section 57A(2) of the Act (dog attacking a person or animal) – section 31(1)(a);
  - there is sworn evidence that the dog has been aggressive – section 31(1)(b); or
  - the owner admits that the dog is dangerous – section 31(1)(c).
52. As of May 2009, there were 607 dangerous dogs in New Zealand, up from 556 in May 2008. The council with the greatest concentration of dangerous dogs was the Christchurch City Council (67), followed by the Hutt City Council (49), Tauranga City Council (39) and the Western Bay of Plenty District Council (23). These four councils account for 29% of all dogs identified as dangerous. In contrast, 20 councils have fewer than five dangerous dogs, and 19 councils did not report having any dangerous dogs. Councils in this category varied in both size and situation (urban or rural).
53. As a proportion of registered dogs, the Buller District Council is the only council with over 1% of all registered dogs classified as dangerous<sup>1</sup>, it also has a low microchipping rate (18%). 70 councils had less than 0.5% of all their registered dogs classified as dangerous.
54. In terms of the dog breeds, the German Pinscher cross breed (14% of 7 registered dogs) and the Tibetan Mastiff pure breed (14% of 7 registered dogs) had the highest proportion classified as dangerous. This is followed by the Irish Wolfhound cross breed (3.6% of 55 registered dogs), then the Dingo (3.4% of 29 registered dogs) and Field Spaniel (2.7% of 37 registered dogs). Again it should be noted that while the proportions are relatively high, the actual number of dogs involved is very small.
55. In terms of the total population of dangerous dogs, the American Pit Bull Terrier cross and pure breed had the largest actual numbers of dangerous dogs with 47

<sup>1</sup> although the total number will be small due to the small size of the council

each. The Staffordshire Bull Terrier cross breed also had 47. These were followed by the Rottweiler pure breed (45), German Shepherd pure breed (45), Labrador Retriever cross breed (39). 300 Breeds did not have any dogs classified as dangerous.

56. If a dog is classified as dangerous, the owner must ensure that the dog is kept within a securely fenced portion of the owner's property. It must be muzzled and controlled on a leash when in public. Councils also require the dog to be desexed. Dog control fees are set at 150% of the level that would apply if the dog were not classified as a dangerous. The owner must not, without the written consent of the territorial authority in whose district the dog is to be kept, dispose of the dog to any other person.

57. Figure 6 shows there is no significant relationship between the number of dangerous dogs and the number of dog bite claims by council.

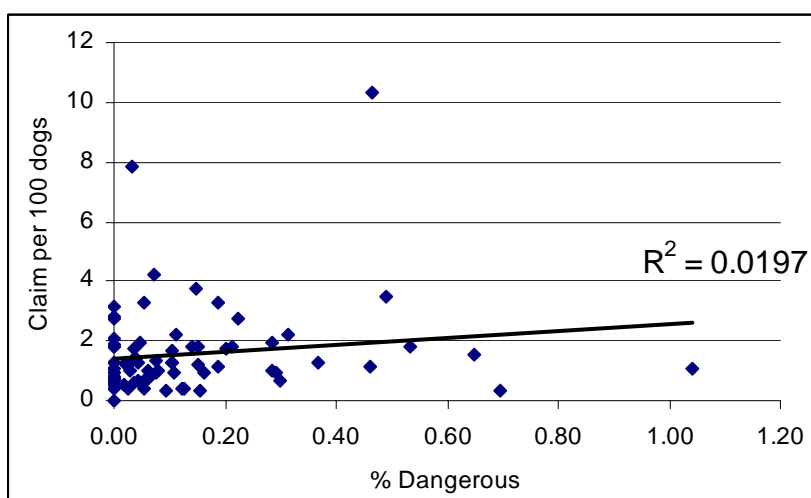


Figure 6 – Percentage of dangerous dogs vs claims per 100 dogs by council

58. Figure 7 shows there is a better correlation between the councils with a high number of menacing dogs and those with a high rate of dog bite claims.

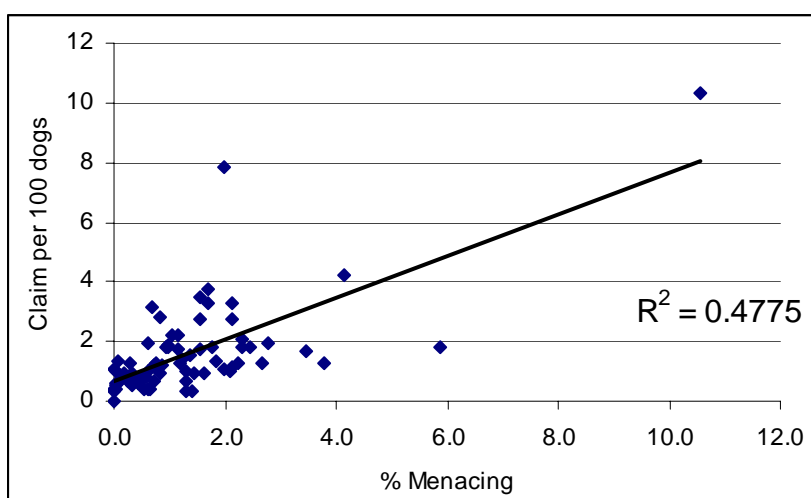


Figure 7 - Percentage of menacing dogs vs claims per 100 dogs by council

## **Classified Owners**

59. In May 2009 there were 368,003 registered dog owners in New Zealand, slightly above the 360,545 recorded in May 2008. Councils can disqualify someone from owning a dog or declare them to be a probationary owner if they incur more than three infringement offences within two years or are convicted of an offence under the Dog Control Act 1996, Parts 1 and 2 of the Animal Welfare Act 1999, section 26ZZP of the Conservation Act 1987, or section 56I of the National Parks Act 1980.
60. The probationary owner status will take effect for two years and any dog not registered at the time of the classification must be re-homed or disposed of within 14 days. Any dog already registered may be kept by the owner but the registration fees may incur a 50% surcharge. A council may require probationary owners to undertake a dog education and/or a dog obedience course approved by the council.
61. Being a disqualified owner means the individual may not be allowed to own a dog for up to five years from the time of disqualification. Any owner who breaches these conditions may be fined up to \$3,000 and have an additional five years disqualification period extension to their status.
62. There were 331 classified owners in May 2009, this comprised 153 probationary and 178 disqualified owners. Overall there has been an increase of 34% classified owners from the 246 recorded in May 2008. In May 2009, 22 councils had a classified dog owner. The highest number is 99 in the Auckland City Council, which accounts for 30% of all classified owners. This is followed by Hamilton City Council (70), Hauraki District Council (31), Kapiti Coast District Council (21) and Rodney District Council (17).
63. Compared to the total number of registered owners, classified owners comprise only a small proportion of the total, being fewer than one in a thousand owners (0.9 per 1,000 owners). It is not possible to relate classified owners to the breeds of dogs they own.
64. Over the past year there has been a 91% increase in the number of probationary owners, from 80 in May 2008, to 153 in May 2009. Of the 72 territorial authorities, 11 had at least 1 probationary owner in May 2009. Auckland City Council had the highest number with 70 probationary owners (or 45% of all probationary owners). This was followed by the Hauraki District Council (31), Stratford District Council (13), and Rodney District Council (10).
65. The number of disqualified owners increased by only 7% from 166 in May 2008, to 178 in May 2009. Of the 178 people disqualified, 84 were disqualified under section 25(1)(a) of the Dog Control Act, where the person commits 3 or more infringement offences within a continuous period of 24 months. 87 people were disqualified under section 25(1)(b) of the Dog Control Act, where an individual has been convicted of an offence under the Act. The remaining seven were convicted of an offence under the Animal Welfare Act 1999, the Conservation Act 1987, or the National Parks Act 1980.
66. Of the 17 councils with disqualified owners, Hamilton City Council has the highest number with 64. 32 of these were disqualified under section 25(1)(a), and 30 were under 25(1)(b). The Auckland City Council had the next highest number with 29 disqualified owners, 27 of these coming under section 25(1)(a).

## Infringements

67. Pursuant to sections 65 and 66 of the Act, a council may issue infringement notices for contravention of the dog control bylaws, or for offences committed pursuant to the Act. Under the Dog Control Act, an infringement offence means on that is specified in schedule 1 (Appendix A). Examples of offences include:

- wilful obstruction of dog control officer or ranger;
- failure to comply with any bylaw (authorised by section 20(5) of the Act);
- failure to comply with effects of classification of dog as dangerous or menacing;
- failure to register dog;
- failure to implant a microchip transponder;
- failure to keep dog controlled or confined; and
- failure to carry a leash in public.

68. Where a person is alleged to have committed an infringement offence, that person may either be proceeded against summarily for the offence, or be served with an infringement notice as provided in section 66 of the Act.

69. As of May 2009, 41,216 infringements had been issued, this represents an increase of just under 8% from May 2008 (38,192). Auckland City Council had 26% (11,060) of all infringements, followed by Manukau City Council (5,532), Christchurch City Council (2,902), Waitakere City Council (1,701) and the Rodney District Council (1,427). Seven councils issued no infringements over the 30 months to May 2009. As expected, councils with the greatest number of dogs issued the highest number of infringements.

70. Auckland City Council had an increase of 3.5% in infringements issued from May 2008 to May 2009, this compares to the national rate of 8%. Territorial authorities with a significant number of infringements, and also large movements, include Papakura District Council with a 213% (799) increase, Hutt City Council with a 152% (359) increase, and the Timaru District Council with a 91% (592) increase.

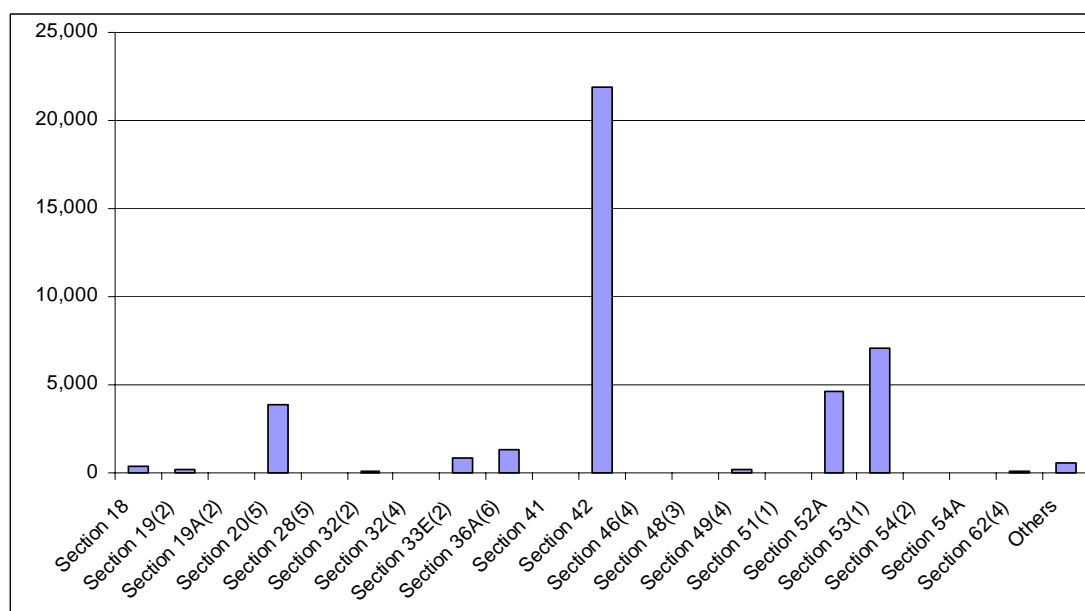


Figure 8 - Infringements by Dog Control Act section

71. Four categories in the Act accounted for 91% of all infringements, these were:

- section 42, failure to register dog – 53% of all infringements;
- section 53(1), failure to keep dog under control – 17%;
- section 52A, failure to keep dog controlled or confined – 11%; and
- section 20(5), failure to comply with a bylaw – 9%.

72. The most common infringement is failure to register a dog, the result generally being a fine. In contrast, section 32(4) relating to the fraudulent sale or transfer of a dangerous dog, has not had any action against it recorded since December 2007.

73. From May 2008 to May 2009, the largest increase in type of infringements (92%) was under section 19A(2) relating to the provision of information about a dog. However it should be noted that this only involved 27 actual infringements in May 2009.

## DOG ATTACK ANALYSIS

74. In 2008/09 there were 9,647 new ACC claims for dog bites and 10,648 active claims. These figures represent a 2% increase in new claims and 3% increase in active claims from the previous year. Over this same period, the cost of new claims rose by 11% to \$2.33 million, while the cost of active claims rose 18% to reach \$3.81 million.

75. Over the last two years the registered dog population has seen little change. However from the information available, it is not possible to identify whether the increasing costs are due to rising medical costs, or changes in the severity of the incidents.

76. Between 2002/02 and 2008/09, the number of new claims has increased by 26% and the number of active claims by 30% (Figure 10). The total cost of new claims over this same period increased by 141%, while the cost for active claims increased by 161%. Over this same time period, the annual rate of increase, particularly in terms of the number of claims, appears to have slowed over the last three years.

Year	New claims		Active claims	
	Number of Claims	Cost of Claims	Number of Claims	Cost of Claims
2002/03	7,638	\$971,187	8,142	\$1,461,186
2003/04	8,684	\$1,196,551	9,319	\$1,887,279
2004/05	9,055	\$1,434,631	9,685	\$2,194,314
2005/06	9,666	\$1,698,951	10,293	\$2,430,474
2006/07	9,738	\$1,923,412	10,429	\$2,891,383
2007/08	9,457	\$2,105,343	10,350	\$3,233,132
2008/09	9,647	\$2,338,756	10,648	\$3,811,233

Table 4 – ACC dog bite claims by year

77. From 2007/08 to 2008/09 the average cost of new claims increased by 9% to \$242/claim, and by 15% to \$358/claim for active claims. Since 2002/03, the average cost per claim has steadily increased (Figure 10). Over this longer

period, there has been a 91% increase in new claims (from \$127), and a 99% in active claims (from \$179).

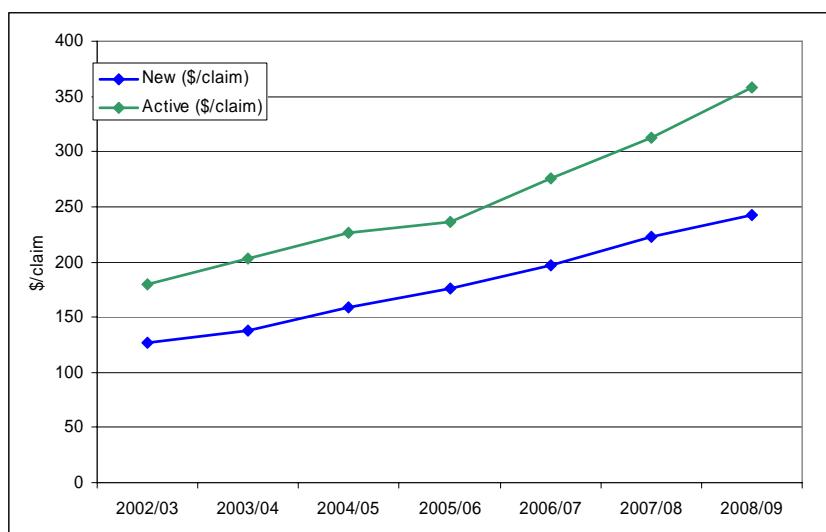


Figure 10 – Increase in average \$/claim for dog bites over time.

### By ACC Region

78. The region with the highest number of new claims in 2008/09 was the Auckland region with 3070, followed by Canterbury (1,356). The region with the highest number of active claims in 2008/09 was also the Auckland region with 3,440, followed by Canterbury (1,498). This trend is expected, as these are the regions with the highest dog (and people) populations.

79. The highest cost per new claim was the Taranaki region at \$332/claim and the lowest was the Marlborough region at \$107/claim (Figure 11). The highest cost per active claim was also the Taranaki region at \$632/claim with the lowest costs seen in the Tasman region at \$207/claim.

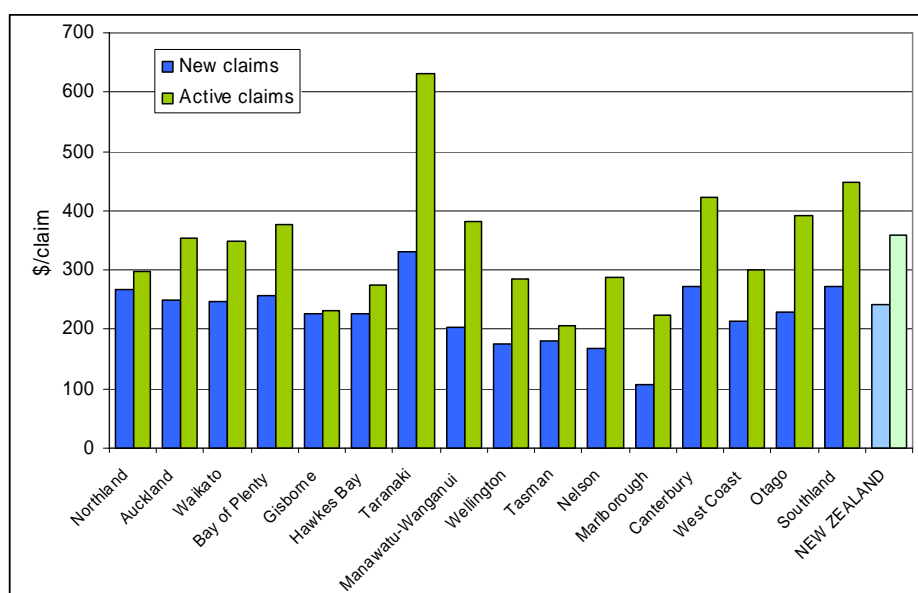


Figure 11 – Average \$/claim for dog bites by region

80. Overall there was an average of 1.96 new claims and 2.16 active claims per 100 registered dogs in 2008/09 (Figure 12). The highest rates for both new and active claims were in the Auckland region, followed by the Northland region.

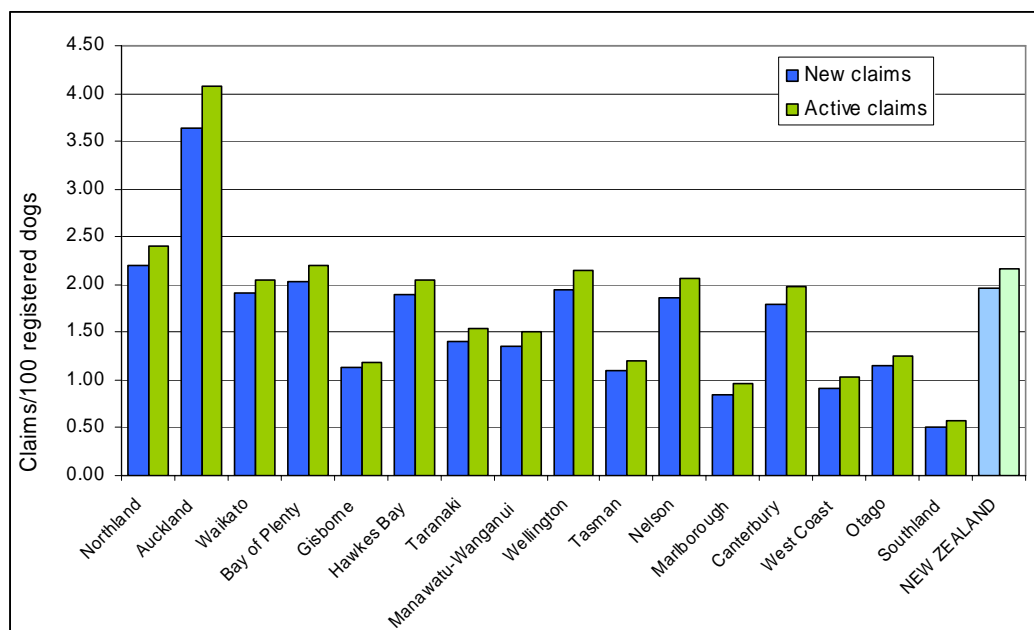


Figure 12 – Number of ACC claims/100 registered dogs by region

## PROSECUTIONS UNDER THE DOG CONTROL ACT 1996

81. In 2008, there were 306 prosecutions under the Dog Control Act. This is a decrease of 33% from the 462 prosecutions recorded in 2007. Figure 13 shows that although there have been some fluctuations between years, the overall trend has seen a 40% decline in prosecutions from 2000 to 2008.

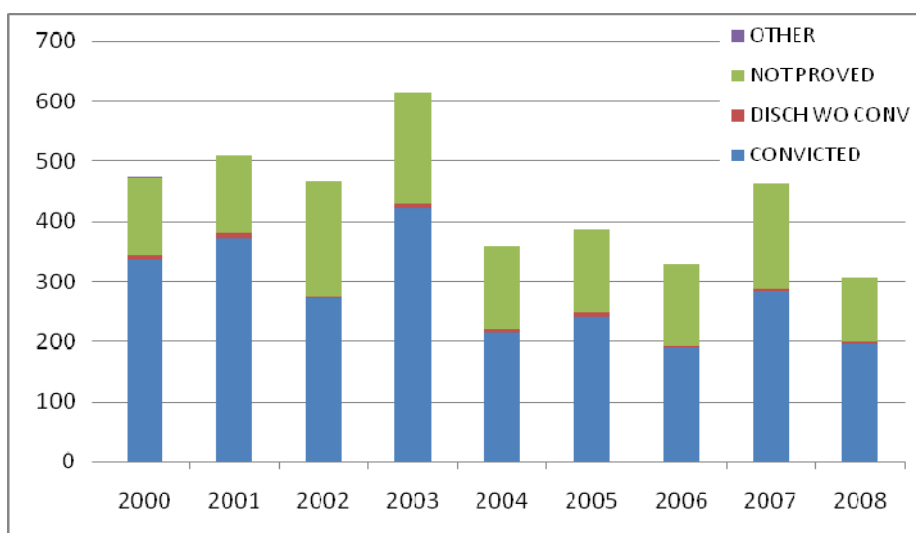


Figure 13 – Prosecutions under the Dog Control Act by outcome 2000 to 2008

82. Of the 306 prosecutions in 2008, 196 resulted in a conviction. This is 31% reduction from the 283 convictions in 2007. As a proportion of total charges made in 2008, 65% ended in a conviction (61% in 2007). This point to a general reduction from 70% convicted in 2007, although as for total numbers, there is some variation between years.

83. Prosecutions that were not proved accounted for 35% of the total in 2008 (37% in 2007). In actual terms, this represents a reduction from 175 to 107.

	Convicted	Discharge without conviction	Not Proved	Total
<b>2007</b>	185	4	97	286
<b>2008</b>	139	3	68	210
<b>Total</b>	324	7	165	496

*Table 5 - Prosecuted person data - Dog Control Act*

84. In 2008, the 306 charges were brought against 210 people. As shown in Table 5 there has been a 25% decrease in the number of people prosecuted, and an equivalent drop of those convicted from 2007 to 2008.
85. Table 6 shows the section of the Dog Control Act the prosecutions were made under. Of all prosecutions, 56% were made under sections 57(1)(a) and 57(2) which relate to dogs attacking a persons or animals. This was followed by 9% of prosecutions made under sections 57A(1)(a)(i) and 57A(2) where a dog attacks persons or animals, or for rushing at vehicles. The third highest number of prosecutions was 8% under sections 52A(2)(a) and 52A(3) which relate to control of a dog on an owner's property.

Area of prosecution	Convicted	Discharge without conviction	Not Proved	Total
<i>Dog Control Act 1996</i>	7	0	1	8
<i>Dog Control Act 1996 section 32 62</i>	6	0	5	11
<i>Dog Control Act 1996 section 41</i>	1	0	0	1
<i>Dog Control Act 1996 section 42</i>	16	0	3	19
<i>Dog Control Act 1996 section 46 51</i>	0	0	1	1
<i>Dog Control Act 1996 section 54(1)(A)(B) &amp; 54(2)</i>	3	0	1	4
<i>Dog Control Act 1996 section 58</i>	16	0	5	21
<i>Dog Control Act 1996 section 72</i>	1	0	0	1
<i>Dog Control Act 1996 section 19(1)(b), (2), 19(A)</i>	7	0	3	10
<i>Dog Control Act 1996 section 52A(2)(a), (3)</i>	20	0	6	26
<i>Dog Control Act 1996 section 57(1)(a), (2)</i>	102	3	67	172
<i>Dog Control Act 1996 section 57A(1)(a)(i), (2)</i>	14	0	14	28
<i>Dog Control Act 1996 section 32E(1)(a)</i>	0	0	0	0
<i>Dog Control Act 1996 section 33EC(1)</i>	1	0	0	1
<i>Dog Control Act 1996 section 36A(6)</i>	2	0	1	3
<i>Dog Control Act 1996 section 52(2)(a) or (b)</i>	0	0	0	0
<b>Total</b>	196	3	107	306

*Table 6 - 2008 prosecutions by section of the Dog Control Act*

86. In 2008, 59 different organisations brought 768 charges under the Act. Manukau City Council had the largest number of these prosecutions with 98, which is 32% of all prosecutions. Although Manukau has by far the highest concentration of prosecutions, it has still fallen 40% since 2007. Manukau was followed by

Rodney District Council with 23 and Hastings District Council with 21 prosecutions.

87. The New Zealand Police was the second largest single prosecutor (with 45) although this figure covers the entire country.
88. Of the 768 charges in 2008, 308 made it to court. These were held in 40 different courts. The court with the largest number of charges was the Manukau District Court with 103, this is nearly four times greater than Auckland District Court and North Shore District Court who were next highest with 22 and 20 respectively.

### Sentencing

Year	Imprisonment	New 2007 sentences	Community work	Supervision	Monetary	Deferment	Conviction & discharge	Total
2007	2	0	3	0	196	1	81	283
2008	1	2	7	1	135	0	50	196
<b>Total</b>	3	2	10	1	331	1	131	479

Table 7 - Sentencing outcomes by year

89. Of the sentencing outcomes available, 69% of all sentences were fines, followed by 26% of sentencing outcomes being conviction and discharge. One person was imprisoned in 2008, compared with two people in 2007. All three were imprisoned under section 58, where a dog has caused serious injury.

### Dog Destruction

90. 56 dog destruction orders were issued in 2008, compared to 60 issued in 2007. The majority of dog destruction orders (75%) were issued under section 57 where a dog has attacked an animal or person. This was followed by 11% issued under section 58, where a dog has caused serious injury.

Dog Control Act Section	2007	2008
Dog Control Act 1996	1	4
section 32 62	2	2
section 58	4.2	6
section 52A(2)(a), (3)	1	1
section 57(1)(a), (2)	45	42
section 57A(1)(a)(i), (2)	5	0
section 33EC(1)	1.8	0
section 36A(6)	0	1
Total	60	56

Table 8 - Number of dog destruction orders issued (by offence code)

91. In 2008, 27 out of 36 courts ordered at least one dog to be destroyed. Over the past two years, all courts in the country have issued destruction orders for at least one dog. Courts with the most dog destruction orders issued in 2008 were the Hastings District Court (8), Manukau District Court (6), North Shore District Court (4), Levin District Court (4) and Auckland District Court (4).

## Appendix A - Schedule 1 infringement offences and fees

Section	Brief description of offence	Infringement fee (\$)
<u>18</u>	Wilful obstruction of dog control officer or ranger	750
<u>19(2)</u>	Failure or refusal to supply information or wilfully providing false particulars	750
<u>19A(2)</u>	Failure to supply information or wilfully providing false particulars about dog	750
<u>20(5)</u>	Failure to comply with any bylaw authorised by the section	300
<u>23A(2)</u>	Failure to undertake dog owner education programme or dog obedience course (or both)	300
<u>24</u>	Failure to comply with obligations of probationary owner	750
<u>28(5)</u>	Failure to comply with effects of disqualification	750
<u>32(2)</u>	Failure to comply with effects of classification of dog as dangerous dog	300
<u>32(4)</u>	Fraudulent sale or transfer of dangerous dog	500
<u>33EC(1)</u>	Failure to comply with effects of classification of dog as menacing dog	300
<u>33F(3)</u>	Failure to advise person of muzzle and leashing requirements	100
<u>36A(6)</u>	Failure to implant microchip transponder in dog	300
<u>41</u>	False statement relating to dog registration	750
<u>41A</u>	Falsely notifying death of dog	750
<u>42</u>	Failure to register dog	300
<u>46(4)</u>	Fraudulent procurement or attempt to procure replacement dog registration label or disc	500
<u>48(3)</u>	Failure to advise change of dog ownership	100
<u>49(4)</u>	Failure to advise change of address	100
<u>51(1)</u>	Removal, swapping, or counterfeiting of registration label or disc	500
<u>52A</u>	Failure to keep dog controlled or confined	200
<u>53(1)</u>	Failure to keep dog under control	200
<u>54(2)</u>	Failure to provide proper care and attention, to supply proper and sufficient food, water, and shelter, and to provide adequate exercise	300
<u>54A</u>	Failure to carry leash in public	100
<u>55(7)</u>	Failure to comply with barking dog abatement notice	200
<u>62(4)</u>	Allowing dog known to be dangerous to be at large unmuzzled or unleashed	300
<u>62(5)</u>	Failure to advise of muzzle and leashing requirements	100
<u>72(2)</u>	Releasing dog from custody	750