Further policy decisions to support the national strategy to reduce the risk and harm of dog attacks

Proposal
1. This paper seeks agreement to the second tranche of proposals to progress the national strategy to reduce the risk and harm of dog attacks in New Zealand.

Executive summary
2. The national strategy to reduce the risk and harm of dog attacks comprises three major components: legislative change, best practice guidance for local authorities and a public behaviour change campaign. The strategy aims to reduce serious dog attacks by introducing further controls on menacing and dangerous dogs and their owners, and by empowering councils and their communities to manage irresponsible dog owner behaviour.

3. In September 2016, Cabinet agreed to the first tranche of proposals to amend the Dog Control Act 1996 (the Act) and to fund a nationwide programme to subsidise the neutering of menacing dogs, as part of the overall strategy.

4. This paper seeks agreement to the second tranche of legislative proposals:
   - to introduce mandatory licensing requirements for owners of classified dogs;
   - to amend the infringement regime and offences under the Act to:
     - include offences for breaches of the new controls on classified dogs; and
     - adjust existing infringement offences and penalties to strengthen the enforcement tools that are available to local authorities;
   - to introduce measures to improve the quality of data about dog attacks to support the efficacy of the regulatory system in the long-term;
   - to ensure the effects of classification as a menacing dog align with the effects of classification as a dangerous dog;
   - to clarify the scope of the prohibition on re-homing classified dogs from animal shelters and permit the re-homing of menacing dogs to licensed owners; and
   - to introduce a regulation-making power to enable the development of a mandatory dog breeder licensing regime.

5. This paper also provides further information about non-legislative aspects of the national strategy, which supports the agreed and proposed legislative measures. This includes the nationwide neutering programme, best practice guidance for local authorities and the public behaviour change campaign.
Background

6. Any interaction between dogs and humans involves some risk. The central objective of dog control policy is to strike an appropriate balance between the advantages to individuals and communities of dog ownership and the protection of individuals and communities from dog attacks. I consider the balance is currently in favour of dog owners.

7. In September 2016, Cabinet agreed to proposals to amend the Dog Control Act 1996 (the Act) and to fund a nationwide programme to subsidise the neutering of menacing dogs [CAB-16-MIN-0485 refers]. Cabinet also noted the overall strategy to reduce the risk and harm of serious dog attacks. The national strategy comprises three major components: legislative change, best practice guidance for local authorities and a public behaviour change campaign.

Cabinet approved the first tranche of proposals of the national strategy in September 2016

8. Cabinet agreement to the first tranche of legislative proposals has allowed Parliamentary Counsel Office to begin drafting a bill to require:

8.1 mandatory neutering of all menacing dogs;
8.2 menacing dogs to be securely fenced within private property;
8.3 mandatory signage on properties with dangerous or menacing dogs;
8.4 dangerous and menacing dogs to wear identification collars; and
8.5 a prohibition on the re-homing of dangerous and menacing dogs.

9. Cabinet decisions have also enabled progress to begin on the following non-legislative measures, to support the legislative changes:

9.1 an immediate nationwide programme to increase the uptake of neutering by owners of high-risk menacing dogs. Cabinet approved expenditure in 2016/17 of $0.850 million for this purpose;
9.2 a public education campaign to drive a much-needed cultural shift towards responsible dog ownership, general understanding of dog behaviour and safety around dogs, to be completed over the 2017 and 2018 calendar years; and
9.3 a review and improvement of best practice guidance to enhance council delivery of dog control services, led by the local government sector.

Cabinet noted that I would return following further analysis on certain proposals for the dog control regime

10. I sought early Cabinet agreement to the first tranche of proposals to enable drafting of a bill to begin and to allow key stakeholders the opportunity to contribute to the analysis of the remaining options.

11. When Cabinet agreed to the first tranche of proposals, it also noted I would report to the Cabinet Economic Growth and Infrastructure Committee in November 2016 with further details on proposals to:

11.1 introduce a licensing system for owners of classified dogs;
11.2 adjust the current infringement regime to allow councils to take greater punitive action against irresponsible owners; and
11.3 improve the quality of data about dog attacks.

**I propose further measures to support the national strategy to reduce the risk and harm of dog attacks**

12. The second tranche of proposals will incentivise owners of high-risk dogs to comply with the legislative measures in the first tranche of proposals (including mandatory neutering and requirements for fencing, signage and collars).

13. This paper seeks agreement to legislative proposals:
   - to introduce mandatory licensing requirements for owners of classified dogs;
   - to amend the infringement regime under the Act to:
     - include offences for breaches of the new controls on classified dogs; and
     - adjust existing infringement offences and penalties to strengthen the enforcement tools that are available to local authorities;
   - to introduce measures to improve the quality of data about dog attacks to support the efficacy of the regulatory system in the long-term;
   - to ensure the effects of classification as a menacing dog align with the effects of classification as a dangerous dog;
   - to clarify the scope of the prohibition on re-homing classified dogs from animal shelters and permit the re-homing of menacing dogs to licensed owners; and
   - to introduce a regulation-making power to enable the development of a mandatory dog breeder licensing regime.

14. I would like to emphasise the role of best practice guidance for local authorities in supporting my proposals. Many councils across the country are carrying out excellent work in the dog control area and I do not intend to interfere with their innovative practices. Instead, council implementation of the proposals will be supported by exemplary models for service delivery that will be developed in close consultation with the local government sector.

**I propose regulatory measures to incentivise owners of high-risk dogs to comply with new laws**

*Requiring owners to be licensed to keep classified dogs will provide assurance that they understand their obligations and meet minimum standards*

15. The current dog control regime sets out obligations for dog owners to meet the welfare needs of their dog; keep their dog under control at all times; register and microchip their dog; and ensure that their dog does not injure or threaten people or animals.

16. Through extensive engagement I have consistently heard that irresponsible dog owners are the biggest contributing factor to dog attacks. Where dogs classified as dangerous or menacing are owned by irresponsible individuals, the risk of a serious dog attack increases.

17. I propose a mandatory requirement for owners of dogs classified as menacing or dangerous to obtain a high-risk dog ownership licence. The licensing process will require owners to prove their ability to comply with their legal obligations as the owner of a high-risk dog.
18. Once the requirement is enacted, owners of classified dogs at the time of enactment will have six months to obtain a licence from their council. Those who become owners of classified dogs after enactment must also obtain a licence before the expiry of the initial six month period after enactment.

19. The regimes for the mandatory licensing of the owners of high-risk dogs will be designed and administered by local authorities to reflect local circumstances, and adopted as part of each local authority’s dog control policy.

20. At a minimum, every licensing regime for the owners of classified dogs will need to include four elements:
   20.1 dog owners must demonstrate an ability to keep the dog(s) under control;
   20.2 dog owners must demonstrate an understanding of dog behaviour and their legal responsibilities;
   20.3 dog control officers must inspect the property where the dog usually resides; and
   20.4 the dog must pass a temperament test by an authorised person.

21. Remaining details of each licensing regime will be at the discretion of each local authority. This will enable local authorities to utilise the voluntary regimes they already have in place to recognise and reward responsible dog ownership, while ensuring that all licensing regimes retain the four components outlined above.

22. The local government sector’s work to review and improve best practice guidance will assist individual local authorities to develop robust licensing regimes based on the minimum standards that I have set out.

Extending the current infringement regime will encourage compliance with new policy measures

23. I propose to extend existing offence provisions, and introduce new offences, to support the policies which create additional controls on dangerous and menacing dogs and the ownership of such dogs.

24. Section 33EC(1) of the Act sets out an offence for failure to comply with the effects of classification of a dog as menacing, such as muzzling the dog in public. A breach of the offence incurs a $300 infringement fee. This provision will be extended to provide consequences for failure to comply with the additional effects of classification of a dog as menacing, including requirements to:
   24.1 neuter the dog;
   24.2 securely fence the dog within private property;
   24.3 display signage on the property where the dog usually resides; and
   24.4 ensure the dog wears an identification collar.

25. The additional controls requiring neutering and secure fencing of menacing dogs are already effects of classification of a dog as dangerous. Additional controls requiring signage and collars on menacing dogs will also apply to dangerous dogs.
26. Section 32(2) of the Act sets out an offence for failure to comply with the effects of classification of a dog as dangerous. A breach of the offence incurs a $300 infringement fee (to be increased to $500, see below for details). This offence provision will be extended to provide consequences for failure to comply with signage and collar requirements, as additional effects of classification of a dog as dangerous.

27. I propose to introduce new strict liability offences for breaches of the new policies which prohibit re-homing of classified dogs by animal shelters and require owners of classified dogs to obtain a high-risk dog owner licence:

27.1 re-homing of a dog classified as menacing or dangerous (with the exception of re-homing a menacing dog to an owner to a high-risk owner licence) by any organisation, other than a local authority, will amount to a prosecutable offence, resulting in a maximum fine of $10,000 on conviction; and

27.2 failure to obtain a licence to own a dog classified as menacing or dangerous, will amount to an offence resulting in an infringement fee of $300 for a menacing dog and $500 for a dangerous dog. The offence would also be a prosecutable offence, resulting in a maximum fine of $3,000 on conviction for a menacing dog, and a maximum fine of $5,000 on conviction for a dangerous dog. If convicted, a council may disqualify the person from dog ownership.

28. The maximum fine on conviction for re-homing a classified dog will deter organisations from allowing dogs that ought to be classified as menacing or dangerous to re-enter our communities.

29. The infringement penalties and maximum fine on conviction for failure to obtain a licence will incentivise owners of dangerous and menacing dogs to comply with licensing requirements. The penalties and fines are set at different levels to reflect the greater risk of harm posed by dogs classified as dangerous.

30. Because these proposed offences are strict liability offences, I propose defences for anyone charged be prescribed in the Act to allow defendants to suggest why they were not at fault. The details of these defences will be developed during the drafting of the bill.

Adjusting the current infringement regime will allow councils to take greater punitive action against irresponsible owners

31. Local authorities have raised concerns with me that current enforcement tools under the Act are not always used appropriately to deter irresponsible behaviour by dog owners. I understand that capacity and resourcing can have impacts on a local authority’s ability to enforce the dog control regime effectively.

32. Best practice guidance would assist local authorities to determine the appropriate and successful use of existing enforcement tools by providing examples. It will also help local authorities to understand their responsibilities in respect of the proposed new measures and related offences.

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1 This exception is discussed later in this paper.
33. While best practice guidance would help to improve enforcement practices by local authorities, dog control officers advise that some enforcement tools are not fit for current dog control purposes. I propose to amend existing offences to improve the enforcement tools that are available to local authorities to deter unwanted behaviour, including stronger penalties for offences involving dangerous dogs. The table below sets out the proposed amendments:

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<tr>
<th>Offences</th>
<th>Current offence and penalties</th>
<th>Proposed amendments</th>
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<tr>
<td>Section 57A - Dogs rushing at persons, animals, or vehicles</td>
<td>This offence currently only relates to rushing incidents occurring in a public place. The owner of a dog that rushes at or startles a person or animal causing death, injury or damage commits an offence and is liable on conviction to a fine not exceeding $3,000. The court may make an order for the destruction of the dog.</td>
<td>Extend the offence to include rushing incidents on private property. It is important to recognise that the risk of a person being injured on private property is higher than the risk of being injured in a public place.² There may be some concerns that rushing is a key part of a dog’s territorial nature. I note that ‘rushing’ under Section 57A of the Act must result in death, injury, damage, or endangerment. This requirement for there to be potential (or real) harm differentiates it from general rushing.</td>
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<tr>
<td>Section 32(2) - Failure to comply with effect of classification of dog as dangerous dog</td>
<td>Every person who fails to comply commits an infringement offence, resulting in a fee of $300. The owner may be liable on conviction to a fine not exceeding $3,000. If a dog owner continues to fail to comply with the requirements of sections 32(1) and (2), the court shall order destruction of the dog unless satisfied that the circumstances of attack were exceptional and do not justify destruction.</td>
<td>The infringement penalty will be increased to $500 and the maximum fine on conviction will be increased to $5,000. This will allow differentiation between menacing and dangerous classification, as the new legislative proposals have the effect of imposing the same controls on dogs classified as dangerous or menacing.</td>
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<td>Section 62(4) - Allowing dog known to be dangerous to be at large unmuzzled or unleashed</td>
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² Accident Compensation Corporation claims data shows that nearly 60 per cent of dog-related injury claims between 2006-2015 were for incidents that occurred at home.
### IN CONFIDENCE

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<td>Section 32(4) – Fraudulent sale or transfer of dangerous dog</td>
<td>Every person who sells or transfers any dog, known by that person to be classified as dangerous, to any other person without disclosing the classification, commits an infringement offence, resulting in a fee of $500. The person may be liable on conviction to a fine not exceeding $3,000.</td>
<td>Extend the offence to include fraudulent sale or transfer of a dog classified as menacing. The infringement penalty will be decreased to $300 for transfer of a menacing dog, and remain at $500 for transfer of a dangerous dog. The maximum fine on conviction will remain at $3,000 for transfer of a menacing dog and be increased to $5,000 for transfer of a dangerous dog. This will ensure the effects of menacing and dangerous classifications are the same, and set stronger penalties for offences involving dangerous dogs.</td>
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<tr>
<td>Section 53(1) – Failure to keep dog under control</td>
<td>Every person who is the owner of a dog and fails to keep the dog under control commits an infringement offence, resulting in a fee of $200.</td>
<td>The infringement penalty will be increased to $300. This will incentivise owners to take greater responsibility for the care and control of their dogs.</td>
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<tr>
<td>Section 58 – Dogs causing serious injury</td>
<td>The owner of any dog that attacks any person causing serious injury or protected wildlife causing death or injury that requires euthanasia may be liable on conviction to a term of imprisonment not exceeding three years or a fine not exceeding $20,000 or both. On conviction of the owner, the court shall order destruction of the dog unless satisfied that the circumstances of attack were exceptional and do not justify destruction.</td>
<td>The maximum imprisonment term will be increased to five years and the maximum fine will be increased to $30,000. To date, courts have not exercised their powers to issue the maximum imprisonment term or maximum fine. I expect that this proposal will encourage the courts to issue stronger penalties.</td>
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34. The owners of dangerous dogs who continually fail to comply with the effects of classification, the owners of dogs that have attacked persons or animals, and the owners of dogs that have attacked causing serious injury should expect that their dog will be destroyed, due to the threat of future harm. Under sections 32(3), 57 and 58, the courts must order destruction of the dog unless the circumstances were exceptional. I propose to clarify that it is the owner’s responsibility to demonstrate that the circumstances of the offending do not warrant the dog’s destruction.
I propose measures to support the overall administration and efficacy of the dog control regime

Changes to councils reporting requirements will provide an accurate picture of dog attacks in New Zealand

35. Improving the information territorial authorities collect on dog attacks is key for monitoring the effects of measures undertaken as part of the national strategy. Data about registered dogs, dog-related injury claims, hospital discharges for dog bites and prosecutions is readily available. However, these datasets have limitations.

36. Under section 10A of the Act, local authorities are required to report annually to their communities on their dog control policies and practices. The reports must include specified statistics about the local authority’s dog control activities for the year. This includes statistics about registration, complaints, infringements and prosecutions. However, these reports do not currently provide an accurate picture of the characteristics of dogs that are involved in incidents. I propose to amend section 10A to require, for an incident relating to dog aggression, local authorities report on:

36.1 information on the breed of the dog involved;
36.2 whether the dog was registered at the time of the attack;
36.3 whether the dog was neutered at the time of the attack; and
36.4 whether the dog was classified as menacing or dangerous at the time of the attack.

37. This would support the collection of information that would allow us to produce an accurate picture of the types of dogs that are involved in attacks, and whether the regulatory measures associated with classification are successful at reducing dog attacks.

38. I expect the local government sector’s best practice guidance will include guidance on producing model reports for territorial authorities under section 10A of the Act which will incorporate the new requirements.

Further practice-based work will improve dog registration and reporting of dog attacks

39. Stakeholders have informed me of recurring situations where owners take their dog for their first veterinary check-up (e.g. vaccinations, neutering, microchipping) and then do not follow up with their local council to get their dog registered. Stakeholders have suggested that allowing veterinarians or branches of the Royal New Zealand Society for the Prevention of Cruelty to Animals (SPCA) to register dogs would create an effective ‘one-stop shop’ for registration and veterinary services. My officials inform me that there are no regulatory barriers to prevent third parties from contributing to local authority dog registration processes, and that some SPCA branches and veterinary clinics already carry out such services. The local government sector’s best practice work will heavily promote these types of local partnerships to increase dog registration.

40. Officials at the Department of Internal Affairs will also develop guidance with the Ministry of Health to promote reporting of dog attacks by health practitioners (general practitioners or emergency department staff) as dog bite victims come in to get treated.
I propose additional adjustments to the dog control regime based on further policy development

Some regulatory measures that currently apply only to dangerous dogs will be extended to menacing dogs

41. Based on current proposals, there are only four requirements that apply to dangerous dogs that do not apply to menacing dogs. The requirements are that:
   41.1 dangerous dogs must be on a leash at all times (except when in a designated exercise area);
   41.2 owners of dangerous dogs must have written consent from their territorial authority before adopting that dog out to a new owner;
   41.3 owners of dangerous dogs must inform anyone who adopts their dog of its classification as dangerous; and
   41.4 dog registration fees for owners of dangerous dogs must be set at 150 percent of standard registration fees for that area.

42. The first three requirements around mandatory leashing, written consent to adopt out the dog, and a requirement to inform the adoptee of the dog’s classification, should be extended to menacing dogs. Menacing dogs should be required to be leashed in public spaces given their latent risk for harm. Requiring owners of menacing dogs to obtain council consent for adoption and inform the new owner of its classification would work effectively with the owner licensing regime by allowing councils to confirm that the owner has obtained (or will obtain) a licence prior to adoption.

43. The related offences under section 33EC(1) of the Act (failure to comply with effects of classification of dog as menacing) will also be extended to include the controls around leaching, consent to transfer and informing the new owner of a menacing dog.

44. I consider that the fourth requirement that fees for owners of dangerous dogs be set at 150 percent of standard registration fees should be removed entirely from the regime. Instead, councils will have the discretion to set different registration fees for owners of menacing and dangerous dogs.

45. As I have noted previously, I do not intend to interfere with council best practice in administering certain detailed aspects of the dog control regime. For example, some councils may wish to provide a reduction in fees for owners of dangerous dogs that demonstrate that they are a responsible owner. Such practices should be allowed if the council sees it fit, and I do not consider that central government should dictate such specific requirements.

The prohibition on the re-homing of classified dogs will be clarified to confirm that it applies to all shelters

46. In considering the first tranche of proposals, Cabinet agreed to prohibit the re-homing of menacing and dangerous dogs.

47. To avoid any ambiguity around the prohibition, I am seeking to clarify today that the prohibition will apply to:
   47.1 territorial authority shelters;
   47.2 shelters operated by the Royal New Zealand Society for the Prevention of Cruelty to Animals; and
47.3 any other shelter operated by an animal welfare organisation.

48. Permitting any of these organisations to re-home these dogs from their shelters to any owner would undermine the effect of this proposal. It is important to note the existing requirement at section 42(4)(a) of the Act that a society established to prevent cruelty to animals cannot return a dog to its owner, or adopt a dog to a new owner, unless it is registered first.

49. Through the registration process, councils must determine whether an unregistered dog should be classified, and therefore councils will determine whether the dog can be re-homed by the non-local authority shelter. This will also allow the council to ensure that menacing dogs are only re-homed to licensed owners (described below).

The prohibition on the re-homing of classified dogs will be clarified to allow menacing dogs to be re-homed to licensed owners

50. On balance, I consider that the licensing system outlined earlier in this paper provides an appropriate way to mitigate the risks around re-homing these high-risk dogs.

51. Although I propose that the prohibition on rehoming of these high-risk dogs remain, there will now be limited circumstances where re-homing be permitted. Specifically, I propose that the re-homing of dogs classified as menacing be permitted, but only to an owner who has a high-risk dog owner licence. This will mean that menacing dogs will only be re-homed in situations where:

51.1 the owner is capable of handling the dog;
51.2 the owner understands their legal responsibilities under the Act;
51.3 the owner’s property is suitable to house the dog; and
51.4 the dog has passed a temperament test to ensure it is of good nature.

52. Re-homing dogs classified as dangerous will remain prohibited. These dogs can be considered distinct from dogs classified as menacing because they have caused demonstrable harm. I do not intend to allow for these dogs to be placed back into communities.

I encourage self-regulation of the dog breeder industry on a voluntary basis, with a view to establishing a framework for mandatory dog breeder licensing

53. I propose to incorporate a regulation-making power into the bill to enable a mandatory dog breeder licensing regime to be introduced at a later date, if required.

54. During discussions, stakeholders raised issues around uncontrolled dog breeding. Regulating dog breeders would mean breeders could be identified and required to provide the right environmental conditions for puppies. Restrictions could be imposed to prevent unacceptable breeding practices, resulting in fewer maladjusted dogs with resulting behavioural issues. The regulation of breeders would also reduce the number of unknown unregistered dogs if breeders were required to carry out initial registration.

55. I consider that voluntary self-regulation by the dog breeding industry would help to achieve these outcomes. I understand that the New Zealand Kennel Club and other leaders in the dog breeding industry already promote and regulate minimum standards of practice among dog breeders, for uptake on a voluntary basis.
56. If voluntary self-regulation by the industry is not sufficient, the Minister of Local Government may exercise the proposed regulation-making power to establish a mandatory dog breeder licencing regime.

57. I am aware that the National Animal Welfare Advisory Committee is currently considering dog breeding from an animal welfare perspective. This includes consideration of industry-led voluntary schemes.

58. The Department of Internal Affairs is working with key stakeholders to research current behaviours and issues, in order to develop a public behaviour change campaign that will support my goal to reduce the risk and harm of serious dog attacks.

61. The review and improvement of best practice guidance will be led by the local government sector. Work to review existing enforcement guidance and local authority practices will begin once newly-elected local authorities have settled in.

64. I acknowledge that implementation of the agreed and proposed legislative changes, and the overall national strategy, may have cost and resourcing implications for local authorities.

Consultation

65. This paper was prepared by the Department of Internal Affairs. The following agencies were provided draft versions of this paper for consultation: The Treasury, the Accident Compensation Corporation (ACC), the Ministries of Justice (MoJ), Health (MoH), Education (MoE), Business, Innovation and Employment, Primary Industries (MPI), Pacific Peoples, Social Development, Te Puni Kōkiri, the Ministry for the Environment (MfE), the Department of Conservation, the Office for Disability Issues (ODI), the Office of Ethnic Communities, New Zealand Police, New Zealand Customs Service and Housing New Zealand Corporation, the Health Promotion Agency. The Department of the Prime Minister and Cabinet has been informed.

66. ACC, MoH, MoE and ODI expressed support for the proposals. Feedback from ACC, MPI and MoJ has been incorporated into this paper.

67. MoJ has requested the following comment to be incorporated into this paper:
67.1 The Ministry of Justice does not support raising the penalties under section 58. The current penalty is a maximum of three years imprisonment and/or a maximum fine of $20,000, and an order for the destruction of the dog (except in exceptional circumstances). We consider that this is an already significant penalty for what is a strict liability offence where the prosecution is not required to prove the defendant's criminal culpability. DIA have not provided compelling reasons to justify raising the penalty.

68. The proposals in this paper originated from previous engagement with a wide range of external stakeholders, and an online public engagement survey that attracted over 3000 responses. In the development and analysis of the proposals in this paper, I have personally met with the New Zealand Institute of Animal Management, Local Government New Zealand, the New Zealand Veterinary Association, the Royal New Zealand Society for the Prevention of Cruelty to Animals and Helping You Help Animals Charitable Trust. The Society of Local Government Managers was also consulted on the proposals in draft versions of this paper.

69. The New Zealand Institute of Animal Management, Local Government New Zealand and the Society of Local Government Managers broadly support the proposals. These organisations note resourcing implications for the local government sector in terms of implementation and enforcement. This is addressed under financial implications.

70. The Minister of Local Government has agreed to the submission of this paper in accordance with the delegation to the Associate Minister of Local Government on matters relating to dog control.

Financial implications

71. There are no financial implications from this paper.

Human rights, gender and disability perspective

72. There are no human rights or gender implications arising from the proposals in this paper. There are also no implications from a disability perspective. The proposals do not change the settings for certification or ownership of Disability Assist Dogs.

Legislative implications

73. If agreed by Cabinet, the proposals would be incorporated in the Dog Control Act Amendment Bill, which is currently being drafted by the Parliamentary Counsel Office.

74. The Bill is expected to be introduced to the House in February 2017. I intend to seek a category 3 priority on the 2017 Legislation Programme (to be passed in 2017 if possible) at the appropriate time.
Regulatory impact analysis

75. The Regulatory Impact Statement (RIS) has been considered by the Department’s RIS panel in accordance with the quality assurance criteria set out in the CabGuide. The panel considers that information and analysis summarised in the RIS meets the quality assurance criteria. The panel noted the challenges in quantifying the scale of the problem relating to dog attacks, owing to the limitations in available data in this area. I consider that the changes to reporting under section 10A of the Act will help to address these limitations.

Publicity

76. Subject to Cabinet approval, I intend to issue a media release to announce decisions on the second tranche of proposals. I wish to proactively release this Cabinet paper and associated minutes. Officials at the Department will advise key consulted stakeholders of decisions immediately prior to the media release.

Recommendations

77. The Associate Minister of Local Government recommends that the Cabinet Economic Growth and Infrastructure Committee:

1. note that on 19 September 2016, Cabinet agreed to a package of measures designed to reduce the risk and harm of dog attacks in New Zealand, and noted that I would return to Cabinet with a second tranche of proposals that warranted further analysis;

2. note that proposals in this paper are designed to complement the measures already agreed and, as a complete package, seek to reduce the risk and harm of serious dog attacks by imposing greater responsibility on the owners of dangerous and menacing dogs;

Legislative measures to require licensing of owners of high-risk dogs

3. agree to include in the Dog Control Act Amendment Bill further proposals to:

3.1 require all owners of dangerous and menacing dogs to obtain a high-risk dog ownership licence;

3.2 require all territorial authorities to adopt a regime for licensing the owners of dangerous and menacing dogs within their district, including the following minimum requirements:

3.2.1 the dog owner must demonstrate the ability to keep the dog(s) under control;

3.2.2 the dog owner must demonstrate an understanding of dog behaviour and their legal responsibilities;

3.2.3 a dog control officer must inspect the property where the dog usually resides; and

3.2.4 the dog must pass a temperament test by an authorised person;

4. agree that details of each licensing regime will be at the discretion of each territorial authority;
Legislative measures to adjust the infringement and offences regime

5. agree to include in the Dog Control Act Amendment Bill further proposals to:
   5.1 introduce an offence for re-homing of dogs classified as menacing or dangerous by a shelter, other than a local authority shelter, resulting in a maximum fine of $10,000 on conviction;
   5.2 introduce an offence failure to obtain a licence to own a dog classified as menacing or dangerous, resulting in:
      5.2.1 an infringement fee of $300 for the owner of a dog classified as menacing or $500 for the owner of a dog classified as dangerous;
      or
      5.2.2 a maximum fine of $3000 on conviction of the owner of a dog classified as menacing, or a maximum fine $5,000 on conviction of the owner of a dog classified as dangerous;
   5.3 include defences for the offences outlined in recommendations 5.2.1 and 5.2.2 to allow defendants to suggest why they were not at fault;
   5.4 extend the rushing offence at section 57A of the Dog Control Act 1996 (the Act) to include incidents occurring on private property; and
   5.5 increase the infringement penalties for under sections 32(2) and 62(4) of the Act, as offences involving dogs classified as dangerous, from $300 to $500 and increase the maximum fines from $3,000 to $5,000 on conviction of such offences;
   5.6 extend the fraudulent transfer offence at section 34(2) of the Act to include the transfer of a dog classified as menacing, resulting in:
      5.6.1 an infringement fee of $300 for the transfer of a dog classified as menacing or $500 for the transfer of a dog classified as dangerous;
      or
      5.6.2 a maximum fine of $3000 on conviction of the person transferring a dog classified as menacing, or a maximum fine $5,000 on conviction of the owner of a dog classified as dangerous;
   5.7 increase the infringement penalty for failure to keep a dog under control from $200 to $300;
   5.8 emphasise the onus on the dog owner to demonstrate that the circumstances of the offending were exceptional and the court should not order destruction of the dog under sections 32, 57 and 58 of the Act;

6. note that a breach of the recently imposed controls on dogs classified as menacing or dangerous, such as the requirement to wear an identification collar, will be captured by the general offence for failure to comply with the effects of classification of a dog as menacing or dangerous;

Legislative measures to improve data about dog attack incidents

7. agree to include in the Dog Control Act Amendment Bill further proposals to:
   7.1 require territorial authorities to include in their annual dog control policy and practices reports information about incidents relating to dog aggression, in particular:
      7.1.1 information on the breed of the dog involved;
7.1.2 whether the dog was registered at the time of the attack;
7.1.3 whether the dog was neutered at the time of the attack; and
7.1.4 whether the dog was classified as menacing or dangerous at the time of the attack;

**Legislative measures based on further policy development**

8. **agree** to include in the Dog Control Act Amendment Bill further proposals to:

8.1 extend the effects of classification of a dog as dangerous to dogs classified as menacing, including requirements for:
   8.1.1 menacing dogs to be on a leash at all times (except when in a designated exercise area);
   8.1.2 owners of menacing dogs to have written consent from their territorial authority before adopting that dog out to a new owner; and
   8.1.3 owners of menacing dogs to inform anyone who adopts their dog of its classification as menacing;

8.2 remove the requirement for local authorities to set dog registration fees at 150 percent of standard registration fees for the owners of dangerous dogs, and allow local authorities the discretion to set different fees for dangerous and menacing dogs;

8.3 clarify that the prohibition on re-homing dogs classified as menacing or dangerous from animal shelters will include territorial authority shelters, shelters operated by the Royal New Zealand Society for the Prevention of Cruelty to Animals, and any other shelter operated by an animal welfare organisation;

8.4 permit menacing dogs to be re-homed from shelters to owners that possess a high-risk dog ownership licence; and

8.5 introduce a regulation-making power to enable a mandatory dog breeder licensing regime to be introduced at a later date, if required;

9. **note** that best practice guidance for local authorities about dog control, to be developed by the local government sector, will support legislative proposals above and the overall national strategy to reduce the risk and harm of dog attacks;

10. **note** that the Associate Minister encourages the dog breeder industry to promote and regulate minimum standards of practice among dog breeders, for uptake on a voluntary basis;

11. **invite** the Associate Minister to issue drafting instructions to the Parliamentary Counsel Office in accordance with recommendations 3-8.5 above;

12. **authorise** the Associate Minister to make decisions on any subsequent minor issues arising from legislative drafting that align with the overall policy intent of the proposals;
Financial recommendations

[Redacted]

Next steps

15. agree to the proactive release this Cabinet paper together with the related Minutes, on the Department of Internal Affairs’ website.

Authorised for lodgement

Hon Louise Upston

Associate Minister of Local Government