National Strategy to Reduce the Risk and Harm of Dog Attacks: Further Proposals

Portfolio: Associate Local Government

On 16 November 2016, the Cabinet Economic Growth and Infrastructure Committee (EGI):

Background

1 noted that on 19 September 2016, EGI:

1.1 agreed to a package of measures designed to reduce the risk and harm of dog attacks in New Zealand;

1.2 agreed to include a Dog Control Amendment Bill (the Bill) on the 2016 Legislation Programme with a category 6 priority (drafting instructions to be issued to Parliamentary Counsel in 2016);

1.3 noted that the Associate Minister of Local Government will report back to EGI in November 2016 with a second tranche of proposals that warranted further analysis;

2 noted that the proposals in the paper under EGI-16-SUB-0315 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 agreed to include in the 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;

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

4 agreed 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 agreed to include in the 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 for 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 $3,000 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 paragraphs 5.2.1 and 5.2.2 above to
allow defendants to suggest why they were not at fault;

5.4 extend the rushing offence in section 57A of the Dog Control Act 1996 (the Act) to
include incidents occurring on private property;

5.5 increase the infringement penalties 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 in 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 $3,000 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 that the court should not order destruction of the dog
under sections 32, 57 and 58 of the Act;
noted 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

agreed to include in the Bill further proposals to 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 information on the breed of the dog involved;
7.2 whether the dog was registered at the time of the attack;
7.3 whether the dog was neutered at the time of the attack;
7.4 whether the dog was classified as menacing or dangerous at the time of the attack;

Legislative measures based on further policy development

agreed to include in the 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;
   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;

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

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

noted that the Associate Minister of Local Government is encouraging the dog breeder industry to promote and regulate minimum standards of practice among dog breeders, for uptake on a voluntary basis;
invited the Associate Minister of Local Government to issue drafting instructions to the Parliamentary Counsel Office to give effect to the above paragraphs 3 to 8.5 above;

authorised the Associate Minister of Local Government to make decisions on any subsequent minor issues arising from legislative drafting that align with the overall policy intent of the above proposals;

Financial implications

Publicity

noted that the paper under EGI-16-SUB-0315, together with related Cabinet decisions, will be published on the Department of Internal Affairs’ website.

Committee Secretary

Present:
Hon Steven Joyce (Chair)
Hon Dr Nick Smith
Hon Nathan Guy
Hon Michael Woodhouse
Hon Peseta Sam Lotu-liga
Hon Maggie Barry
Hon Craig Foss
Hon Jo Goodhew
Hon Nicky Wagner
Hon Louise Upston
Hon Paul Goldsmith

Officials present from:
Officials Committee for EGI

Hard-copy distribution: