

REPORT TO: COUNCIL	
DATE: 13 OCTOBER 2009	
SUBJECT: ANNUAL REPORT ON DOG CONTROL POLICY AND PRACTICES 2008-2009	FILE REF: A04.04
AUTHOR: J BATY, ADMINISTRATION MANAGER	ATTACHMENTS: Nil
RELATED COMMUNITY OUTCOME: A Safe And Secure Community. An Environment That Is Appreciated, Protected And Sustained For Future Generations. A Life Time Of Good Health And Wellbeing.	RELATED COUNCIL ACTIVITY: Regulatory Dog Control

PURPOSE:

To adopt a report on Council's Dog Control Policy and Practices for the period 1 July 2008 to 30 June 2009 as required by section 10A of the Dog Control Act 1996 (DCA).

BACKGROUND:

Section 10A of the DCA requires territorial authorities to publicly report each financial year on:

- the administration of their dog control policy and their dog control practices (Section 10A(1)); and
- a variety of dog control related statistics (Section 10A(2)).

While not explicitly stated in the DCA, one of the primary purposes for preparing this report is to allow communities to see how Council is managing its dog control responsibilities.

PROCESS

In preparing this report, Council should note that section 10A(3) of the DCA requires that it must give public notice of the report by means of a notice published in:

- 1 or more daily newspapers circulating in the territorial authority district; or
- 1 or more other newspapers that have at least an equivalent circulation in that district to the daily newspapers circulating in that district; and
- by any means that the territorial authority thinks desirable in the circumstances

Section 10A(4) of the DCA also requires that a Council must also send a copy of the report to the Secretary for Local Government within 1 month after it has been formally adopted by the elected members of the Council.

LEGAL REQUIREMENT

Dog Control Act 1996

[10A Territorial authority must report on dog control policy and practices

- (1) A territorial authority must, in respect of each financial year, report on the administration of—
 - (a) its dog control policy adopted under section 10; and
 - (b) its dog control practices.

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

CURRENT SITUATION:

Council is responsible for the enforcement of regulations relating to the keeping, welfare and control of dogs within the Wairoa District. Council is required under the DCA to make provision for the control of dogs and the damage they can cause. Impounding of dogs is an activity required by the provisions of the DCA and associated Wairoa District Council Public Safety Bylaw and Dog Control Policy. The Council has a responsibility to respond to complaints relating to dogs. Council's long term focus for dog control activities is to ensure a safe living environment is maintained through the monitoring and enforcement of legislation, regulations and bylaws.

Council adopted its "Dog Control Policy" on 9 November 2004. The policy provides a practical framework for the care and control of dogs throughout the District while minimising any danger, distress and nuisance to the community generally.

Wairoa District has 1,381 dog owners and 3,484 dogs. One full-time Dog Control Officer with the aid of part-time Officers are responsible for a small urban and large rural area covering 412,000 hectares with 896 kilometres of roadway.

Dog registration

Dog control fees are set by resolution.

DESCRIPTION		FEE
Dog Registration		
Class D – Dogs classified Dangerous		\$90.00 (\$10.00 discount if registered before 31 July)
Class M – Dogs classified Menacing		\$90.00 (\$10.00 discount if registered before 31 July)
Class S – being all other dogs, including working dogs		\$52.00 (\$10.00 discount if registered before 31 July)
Impounding Fees		
First Impounding		\$35.00
Second Impounding		\$45.00
Third and Subsequent Impounding		\$65.00
Dogs impounded after 6pm and before 6am		\$65.00
Daily Sustenance Charge		\$5.00
Replace Tag		\$3.00
Dog Control Officers time where rechargeable		\$60.00 per hour + GST
Motor Vehicle use		\$1.00 per km + GST (\$0.60 per km + GST from 23 July 2009 onwards per LTCCP)
Fines (GST inclusive) per Schedule 1 of the Dog Control Act 1996		
<i>Section</i>	<i>Brief description of offence</i>	<i>Infringement fee</i>
18	Wilful obstruction of dog control officer or ranger	\$750.00
19(2)	Failure or refusal to supply information or wilfully providing false particulars	\$750.00
19A(2)	Failure to supply information or wilfully providing false particulars about dog	\$750.00
20(5)	Failure to comply with any bylaw authorised by the section	\$300.00
23A(2)	Failure to undertake dog owner education programme or dog obedience course (or both)	\$300.00
24	Failure to comply with obligations of probationary owner	\$750.00
28(5)	Failure to comply with effects of disqualification	\$750.00
32(2)	Failure to comply with effects of classification of dog as dangerous dog	\$300.00
32(4)	Fraudulent sale or transfer of dangerous dog	\$500.00
33EC (1)	Failure to comply with effects of classification of dog as menacing dog	\$300.00
33F(3)	Failure to advise person of muzzle and leashing requirements	\$100.00
36A(6)	Failure to implant microchip transponder in dog	\$300.00
41	False statement relating to dog registration	\$750.00
41A	Falsely notifying death of dog	\$750.00
42	Failure to register dog	\$300.00
46(4)	Fraudulent procurement or attempt to procure replacement dog registration label or disc	\$500.00

48(3)	Failure to advise change of dog ownership	\$100.00
49(4)	Failure to advise change of address	\$100.00
51(1)	Removal, swapping, or counterfeiting of registration label or disc	\$500.00
52A	Failure to keep dog controlled or confined	\$200.00
53(1)	Failure to keep dog under control	\$200.00
54(2)	Failure to provide proper care and attention, to supply proper and sufficient food, water, and shelter, and to provide adequate exercise	\$300.00
54A	Failure to carry leash in public	\$100.00
55(7)	Failure to comply with barking dog abatement notice	\$200.00
62(4)	Allowing dog known to be dangerous to be at large unmuzzled or unleashed	\$300.00
62(5)	Failure to advise of muzzle and leashing requirements	\$100.00
72(2)	Releasing dog from custody	\$750.00

Education

From 1 July 2008 until 30 June 2009 three educational presentations were made. This included two schools being visited with approximately four hundred children taking part.

Educational brochures and videos are available and distributed, this includes "The Dog Box: A Resource Kit For Schools" and a number of dog owner brochures. The Dog Control Officer is available on request for speaking engagements and presentations.

Dogs Prohibited, Leash Only and Dog Exercise Areas

Council has made provision for areas where dogs are prohibited, permitted on leashes or allowed freedom for exercise purposes.

Areas are regularly patrolled.

Statistical Information

Category	For Period 01 July 2008 - 30 June 2009
1) Total # Registered Dogs	3,484
2) Total # Probationary Owners	0
3) Total # Disqualified Owners	0
4) Total # Dangerous Dogs	0
➤ <i>Dangerous by Owner Conviction Under s31(1)(a)</i>	0
➤ <i>Dangerous by Sworn Evidence s31(1)(b)</i>	0
➤ <i>Dangerous by Owner Admittance in Writing s31(1)(c)</i>	0
5) Total # Menacing Dogs	100
➤ <i>Menacing under s33A(1)(b)(i) - i.e. by Behaviour</i>	12
➤ <i>Menacing under s33A(1)(b)(ii)- by Breed Characteristics</i>	53
➤ <i>Menacing under s33C(1) by Schedule 4 Breed.</i>	35
6) Total # Infringement Notices.	5

7) Total # Complaints Received/Client Service Requests	259
➤ <i>Barking</i>	48
➤ <i>Dangerous</i>	14
➤ <i>Impounding</i>	1
➤ <i>Lost & Found</i>	110
➤ <i>Other</i>	6
➤ <i>Roaming</i>	26
➤ <i>Rushing</i>	9
➤ <i>Welfare</i>	13
➤ <i>Dog Attack - Animal</i>	23
➤ <i>Dog Attack - Person</i>	9
9) Total # Prosecutions Taken	0

RECOMMENDATION(S): That:

1. Council receives the report.
2. Pursuant to section 10A of the DCA, Council adopts the Annual Report on Dog Control Policy and Practices 2008-2009.
3. Council give public notice of the Annual Report on Dog Control Policy and Practices 2008-2009 by way of advertisement in the Wairoa Star.
4. Within one month of adopting this report a copy of it be sent to the Secretary for Local Government.

J Baty
ADMINISTRATION MANAGER