

## Statement of Proposal

### Background Information

The Dog Control Act 1996 (the Act) requires every territorial authority to adopt a policy in respect of dogs in their district. This policy must be made in accordance with the special consultative procedure set out in section 83 of the Local Government Act 2002.

The Whakatāne District Council's Dog Control Policy was last reviewed in 2004. As such, the Whakatāne District Council (the Council) has decided to review this policy to ensure that it is fit-for-purpose, best reflects local circumstances, complies with amendments to legislation, and to ensure that the policy aligns with the council's Dog Control Bylaw – which was reviewed in 2018.

### Purpose of the Dog Control Policy

The purpose of the Dog Control Policy is to outline how the Council will address requirements set out in the Dog Control Act 1996. The Act requires councils to create a policy with regards to:

- The need to minimise danger, distress, and nuisance to the community.
- Avoiding the danger of having uncontrolled dogs in public places, particularly for children.
- Allowing the public to use streets and public amenities without fear of attack or intimidation of dogs.
- Supporting the exercise and recreational needs of dogs and their owners.

These considerations are reflected in the Policy's objectives. Additional objectives recognise the need to protect fauna and stock from roaming dogs; the value that working dogs provide to the rural sector; and the value of education and community partnerships to facilitate compliance and public safety.

The Dog Control Policy sets out the Council's approach to supporting responsible dog ownership so that dogs can be a positive part of the life of the community and visitors to our district. It balances regulatory controls (to allow for the exercise and recreational needs of dogs and their owners) with appropriate controls to minimise the potential for any danger, distress, or nuisance that may be caused by dogs. Furthermore, the Policy aims to be an educational resource to facilitate good dog behaviour and ownership.

## Summary of the Proposed Dog Control Policy

This policy provides a range of rules and obligations for dog owners in the Whakatāne district. A summary of the key elements covered by the Policy is outlined below.

### Access to Public Places

The Policy designates certain public places where dogs are prohibited, restricted, or allowed on or off-leash (such as dog exercise areas). These areas are chosen based on assessments of community safety, minimal nuisance to the public, protection of fauna, as well as the recreational and exercise needs of dogs and their owners. There are also obligations on owners to refrain from entering public places if their dog is diseased or is in season.

### Registration, Fees and Changes in Circumstances

The Policy covers a range of requirements and obligations placed on dog owners with regards to registering their dogs. All dogs are required to be registered annually. Furthermore, all dogs (except working dogs) being registered for the first time must be implanted with a micro-chip.

Owners are required to pay registration fees, which covers a proportion of the costs for management and enforcement of the Act and Dog Control Bylaw. These fees are set every year, with discounts available for early registrations, working dogs, service dogs, disability assist dogs, and desexed dogs.

Owners must also notify the Council for certain changes in a dog's circumstances, such as a change in dog ownership, or if the dog is moved to a new address.

### Dog Registrations Classifications

#### *Classification of owners*

The Policy outlines two types of classifications that may be imposed on owners: probationary owner, and disqualified owners.

The probationary owner classification can be imposed on a dog owner if they have been convicted of certain offences (listed in the Policy). Restrictions and requirements imposed on probationary owners include not being allowed to register new dogs, disposing of any unregistered dogs, paying a surcharge on dog control fees, and potentially a requirement to undertake an educational programme or dog obedience course. These restrictions generally last for 24 months.

A disqualification classification generally imposes harsher restrictions. This classification can be imposed on people for a range of offences that are listed in the Policy. It requires the owner to dispose of every dog in their possession. This classification can last for a period of up to five years.

## *Classification of dogs*

The policy outlines rules and consequences of certain classifications that may be imposed on dogs. These classifications are dangerous dogs, menacing dogs, working and service dogs.

A dog can be classified as dangerous or menacing if it poses a threat to the safety of a person, stock, poultry, domestic animals, or wildlife. For either classification, the owner must fulfil a range of responsibilities to reduce the risk of harm and face a range of possible penalties if they fail to comply.

Working and service dogs generally applies to dogs that carry out certain functions or duties including farming duties, working under the direction of a government department or state employee, or under the direction of a private security guard. Owners must apply to the council for recognition of their dog as a working dog.

## **Education and community partnerships**

The Policy outlines the Council's role in promoting responsible dog ownership through a range of educational methods, and through working in partnership with various community stakeholders. Preference is given to education and community partnerships to ensure compliance over enforcement and punishment. Education is promoted through advertisements, school programmes, seminars, one-on-one training, dog obedience courses, and property visits.

## **Proposed Changes to the Dog Control Policy**

The proposed changes to this policy can be grouped into three general areas:

- Additional policy objectives to reflect the district's local circumstances
- An increased emphasis on community-based solutions to dog control, and
- The inclusion of microchipping requirements to reflect legislative changes to the Act.

### **Additional policy objectives to reflect the district's local circumstances**

Although the Act requires the Dog Control Policy to have regard for certain objectives (outlined above), this policy proposes expanding on these objectives to include objectives that reflect local characteristics. Specifically, within our district there is a need to minimise risk of roaming dogs attacking fauna (particularly kiwi and dotterel) and farm stock, as well as the value of working dogs to the districts rural sector. These additional objectives are outlined on pages 3 and 4 of the proposed Policy.

### **An increased emphasis on community-based solutions to dog control**

The proposed Policy has also been updated to clarify the benefits and opportunities that exist through community-based solutions to dog control in remote areas. These solutions exist through a range of education programmes, delivery of Council services (such as property visits), and community initiatives – such as the Council’s partnership with Ngāti Manawa to better manage animal control in Murupara. These changes are reflected under the “Education – Mātauranga” heading on pages 10 and 11 of the proposed Policy.

## **The inclusion of microchipping requirements to reflect legislative changes to the Act**

The proposed Policy has also been updated to include new microchipping obligations that have been imposed from legislative amendments to the Dog Control Act 1996. Specifically, microchips are required for newly registered dogs (except for working dogs), as well as dogs that are classified as ‘menacing’ or ‘dangerous’. These changes can be seen under the “Registrations and Fees” heading on page 7 and “Classification of dogs” subheading on pages 8 to 10 of the proposed Policy.

## **Consultation Questions to Consider**

Although you can comment on any aspect of this proposed Policy, below are some questions that the Council is interested in seeking community input.

- Are the additional objectives added to this proposed Policy necessary?
- Do the additional objectives adequately reflect local characteristics? Are there objectives missing?
- Do you agree to the general approach of placing greater emphasis on education and community-based solutions to dog control issues, particularly in more rural areas?
- Are there other elements that are missing from this Policy that would lead to better dog control services?
- What are dog control issues in your community? Does this Policy adequately address these issues?
- Who else should we involve in the implementation of this Policy to effectively achieve its objectives?

## **How can I have my say on the Proposed Policy?**

The Council is keen to know what residents, ratepayers and stakeholders think about the proposed Policy. Any person or organisation is welcome to make a submission on the Draft Dog Control Policy. The Council will take into account all submissions when it decides on the final content of the Policy.

### **Key dates:**

The consultation period for the proposed Dog Control Policy will begin on **Monday 26 April 2022** and conclude at **5pm Friday 27 May 2022**.

A hearing date will be scheduled if required and notified at a later date.

***Formal submissions can be made:***

- Online at [www.whakatane.govt.nz/haveyoursay](http://www.whakatane.govt.nz/haveyoursay)
- In hard copy, by filling in the submission form and dropping to Council offices at 4 Commerce Street, Whakatāne.
- By emailing [submissions@whakatane.govt.nz](mailto:submissions@whakatane.govt.nz)

***Informal submissions*** can be made by commenting on the Dog Control Policy post on our Facebook page at [www.facebook.com/WhakataneDistrictCouncil/](https://www.facebook.com/WhakataneDistrictCouncil/)

**Submissions close at 5pm on Friday 27 May 2022.**

Submitters should note that their submission will be copied and made available to the public after the submission period closes. Submissions should include your name, address, telephone number and email address and should state if you wish to speak to Council in support of your submission (at a hearing).

***What happens next?***

Hearings of submissions, if required, are likely to be held in June. The Council will contact all submitters who wish to be heard in writing to advise the confirmed time, date and venue of the hearing. The hearing process may occur through an online medium. The Council's Strategy and Policy Committee will hear and consider submissions. Outcomes of this special consultative procedure could include adopting the proposed policy, removing provisions, or incorporating new provisions based on community feedback.

***To find out more contact Sheryl Pinckney, Manager Strategy Kaiwhakahaere Rautaki at [Sheryl.Pinckney@whakatane.govt.nz](mailto:Sheryl.Pinckney@whakatane.govt.nz) or 07 306 0500.***