

CONSERVATION AMENDMENT BILL (NO. 4)

AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE

THIS Bill was formerly part of the Dog Control Bill as reported from the Internal Affairs and Local Government Committee. The committee of the whole House has divided the Dog Control Bill as follows:

- The Dog Control Bill, comprising clauses 1 to 106 and the Sixth, Seventh, and Eighth Schedules.
 - This Bill, comprising Part III.
 - The National Parks Amendment Bill (No. 3), comprising Part IV.
 - The Police Amendment Bill (No. 3), comprising Part V.
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No. 69—3CA

Price Code: K

[AS REPORTED FROM THE INTERNAL AFFAIRS AND LOCAL
GOVERNMENT COMMITTEE]

House of Representatives, 5 December 1995.

Words struck out are shown with black rule at beginning and after last line; words inserted are shown with single rule before first line and after last line.

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE]

House of Representatives, 18 April 1996.

Words struck out are shown in italics within double bold round brackets, or with double black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

Hon. John Banks

CONSERVATION AMENDMENT (NO. 4)

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A BILL INTITULED

An Act to amend the Conservation Act 1987

BE IT ENACTED by the Parliament of New Zealand as follows:

1. **Short Title and commencement**—(1) This Act may be cited as the Conservation Amendment Act (No. 4) 1996, and shall be read together with and deemed part of the Conservation Act 1987 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the date on which this Act receives the Royal assent.

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109. Interpretation—(1) Section 2 (1) of the principal Act is hereby amended by inserting in their appropriate alphabetical order the following definitions:

“ ‘Companion dog’ means a dog certified by the Top Dog Companion Trust as being a companion dog or a dog under training as a companion dog:

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“ ‘Dog control area’ means any area declared, by notice published in the *Gazette* under **section 26zs** of this Act, to be a dog control area:

5 “ ‘Guide dog’ means a dog certified by the Royal New Zealand Foundation for the Blind as being a guide dog or a dog under training as a guide dog:

10 “ ‘Open dog control area’ means any area declared, by notice published in the *Gazette* under **section 26zz** of this Act, to be an open dog control area;

“ ‘Owner’, in relation to any dog, means every person who—

“ (a) Owns the dog; or

15 “ (b) Has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner; or

20 “ (c) The parent or guardian of a person under the age of 16 years who—

“ (i) Is the owner of the dog pursuant to **paragraph (a)** or **paragraph (b)** of this definition; and

25 “ (ii) Is a member of the parent or guardian’s household living with and dependent on the parent or guardian;—

30 but does not include any person who has seized or taken custody of the dog under this Act or the Animals Protection Act 1960 or the National Parks Act 1980 or the Dog Control Act 1994 or any order made under the Dog Control Act 1994 or the Animals Protection Act 1960:

“ ‘Protected wildlife’ means—

35 “ (a) Any animal for the time being absolutely protected pursuant to section 3 of the Wildlife Act 1953:

40 “ (b) Any animal for the time being partially protected pursuant to section 5 of the Wildlife Act 1953, other than an animal in such circumstances that it may be hunted or killed under the authority of subsection (2) of that section:

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“(c) Any animal that is a marine mammal within the meaning of the Marine Mammals Protection Act 1978:”.

(2) Section 2(1) of the principal Act is hereby further amended by repealing the definition of the term “warranted officer”, and substituting the following definition: 5

“‘Warranted officer’ means a person—

“(a) Who—

“(i) Is a warranted officer appointed under section 59 of this Act; or 10

“(ii) Is a person deemed by section 59(2) or section 59(9) of this Act, to be a warranted officer for the purposes of this Act; and 15

“(b) Is acting on or in respect of any matter or thing arising, situated, or formerly situated, in the district, area, or areas, for which the person is appointed or is deemed to be a warranted officer:”.

110. New Part Vc inserted—The principal Act is hereby amended by inserting, after Part Vb (as inserted by section 17 of the Conservation Law Reform Act 1990), the following Part: 20

“PART Vc

“CONTROL OF DOGS

“26zs. **Dog control areas and open dog control areas**— 25

(1) The Minister may, in accordance with this Part of this Act, from time to time, by notice in the *Gazette*,—

“(a) Declare any part or parts of the land managed and administered by the Department under any of the following Acts, namely,— 30

“(i) The Foreshore and Seabed Endowment Revesting Act 1991:

“(ii) The Reserves Act 1977:

“(iii) The Sugar Loaf Islands Marine Protected Area Act 1991: 35

“(iv) The Waitangi Endowment Act 1932–1933:

“(v) The New Zealand Walkways Act 1990:

“(vi) The Wildlife Act 1953:

“(vii) This Act,— 40
to be a dog control area:

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“(b) Declare any part of a dog control area to be an open dog control area:

“(c) Assign a name to any dog control area or open dog control area:

“(d) Alter the boundaries or change the name of any dog control area or open dog control area:

“(e) Impose conditions in relation to access to, and control of dogs in, any open dog control area.

“(2) A declaration under subsection (1) (b) of this section may be made in the notice by which the dog control area is declared or in a notice published after the dog control area is declared.

“(3) The Minister may from time to time, by notice in the *Gazette*, amend or revoke any notice under this section or amend or revoke any conditions imposed under subsection (1) (e) of this section.

“(4) No open dog control area shall include—

“(a) Any part of an area declared under section 18 of this Act to be a wilderness area; or

“(b) Any part of a reserve set apart under section 47 of the Reserves Act 1977 as a wilderness area.

“26zt. **Preparation of discussion document**—(1) Where the Minister proposes the establishment of a dog control area, the Minister shall forthwith prepare, after consultation with the appropriate conservation boards, regional councils, territorial authorities, iwi authorities, fish and game councils, and such other persons or organisations as the Minister thinks appropriate, a discussion document, which shall—

“(a) Define the boundaries of the proposed dog control area:

“(b) State the name of the proposed dog control area:

“(c) Specify the areas (including marginal strips) within the dog control area that appear suitable for open dog control areas:

“(d) Specify the conditions that appear appropriate in relation to access to, and control of dogs in, any open dog control areas.

“26zu. **Notification of discussion document**—(1) The discussion document shall be publicly notified by the Minister in accordance with section 49 (1) of this Act.

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“(2) In addition, the Minister shall serve copies of the discussion document on the appropriate regional councils, territorial authorities, and iwi authorities.

“(3) The notice under **subsection (1)** of this section shall— 5

“(a) State that the discussion document is available for inspection at the places and times specified in the notice; and

“(b) Call upon persons or organisations interested to lodge with the Director-General submissions on the discussion document before the date specified in that behalf in the notice, being a date not less than 40 working days after the date of the publication of the notice. 10

“**26zv. Inspection of discussion document**—From the date of public notification of a discussion document until the end of the period specified in the notice published under **section 26zu** of this Act, the Director-General shall make the discussion document available for public inspection during normal office hours, in such places and quantities as are likely to encourage public participation. 15 20

“**26zw. Submissions on discussion document**—Any person or organisation may make written submissions to the Director-General on the discussion document at the place and before the date specified in that behalf in the notice. 25

“**26zx. Hearing of submissions**—(1) The Director-General shall give every person or organisation who or which, in making any submissions on the discussion document, asked to be heard in support of his or her or its submissions a reasonable opportunity of appearing before a representative or representatives of the Director-General. 30

“(2) Any representative or representatives of the Director-General may hear submissions from any other person or organisation consulted on the discussion document.

“**26zy. Summary of submissions**—The Director-General shall prepare a summary of the submissions received on the discussion document. 35

“**26zz. Recommendations of Director-General**—(1) The Director-General shall, after considering such submissions and public opinion and having regard to the views of the relevant 40

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Conservation Boards and fish and game councils, revise the discussion document and any recommendations contained in the discussion document and send it to the Minister for approval.

5 “(2) The Minister shall—

“(a) Approve the recommendations; or

“(b) Approve the recommendations with such changes as the Minister considers appropriate; or

10 “(c) Decline to approve the recommendations.

“26ZA. **Issue of notice**—Where the Director-General recommends the publication of a notice under section 26zs of this Act and the Minister approves the recommendation, with or without amendments, the Minister shall publish in the *Gazette* a notice declaring—

15 “(a) Both the boundaries and the name of the dog control area:

20 “(b) The specific areas (including marginal strips) within the dog control area that are set apart as open dog control areas:

“(c) The conditions appropriate for the access of dogs to, and control of dogs within, the open dog control areas.

25 “26ZB. **Matters about which Minister must be satisfied**—(1) The Minister shall not publish a notice under section 26zs of this Act in respect of any land unless the Minister is satisfied—

30 “(a) In the case of land to be declared an open dog control area, that no protected wildlife vulnerable to dogs are present on that land; and

“(b) That, if there are any plans to reintroduce protected wildlife on to the land, those plans would not be compromised by the land being declared to be an open dog control area; and

35 “(c) That the present classification or the purpose for which the land is held, and the management objectives of the land, as set out in the relevant conservation management strategy or conservation management plan, would not be compromised by the land being declared to be a dog control area or an open dog control area.

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“(2) The Minister, in discharging in relation to any land the duty imposed on the Minister by **subsection (1)** of this section, shall have regard to—

“(a) Relevant management factors; and 5

“(b) The proximity of the land to urban centres, and the history and potential of the land as a recreation opportunity for people with dogs; and

“(c) The range and variety of other public places which are available for recreational use by the people with dogs and which have traditionally been so used by the people with dogs who might use the land were it declared to be an open dog control area; and 10

“(d) Any problems in respect of Maori cultural values that might result from the use of any part of the land as an open dog control area. 15

“(3) The Minister, in determining the conditions to be included in any notice pursuant to **section 26zs (1) (e)** of this Act, shall have regard to—

“(a) The need to preserve the safety of members of the public who are likely to be on the land or in the vicinity of the land; and 20

“(b) Any conflict between—

“(i) Dogs or people with dogs; and

“(ii) Other users of the land,— 25

that may or will occur on the land or in relation to the use of the land;

“(c) Any actual or potential risk to protected wildlife that is on or in the vicinity of the land.

“**26zzc. Restrictions on access to dog control area—** 30
Except as provided in **sections 26zzd** and **26zze** of this Act, no person, being an owner of a dog or a person in charge of a dog, shall allow that dog to enter or remain in any part of a dog control area that is not part of an open dog control area.

“**26zzd. Dog control permits—**(1) The Director-General 35
may from time to time issue in respect of any dog a dog control permit allowing the owner or any other person in charge of that dog to take that dog into a dog control area specified in the permit that is not an open dog control area.

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“(2) Without limiting the generality of **subsection (1)** of this section, it is hereby declared that the Director-General may refuse to issue a dog control permit if the permit is sought—

5 “(a) In relation to a dog that is classified as a dangerous dog under **section 60** of the Dog Control Act **1994**; or

“(b) By a person who is—

“(i) A probationary owner under the Dog Control Act **1994**; or

10 “(ii) A person who has been convicted of an offence under the Dog Control and Hydatids Act **1982**; or

“(iii) A person who has been convicted of an offence against **section 26zzj** of this Act.

15 “(3) Any dog control permit under **subsection (1)** of this section shall be subject to—

“(a) The condition that the holder carry the permit on his or her person whenever the holder is in a dog control area that is not an open dog control area; and

20 “(b) Such other conditions as the Director-General thinks fit to impose.

“(4) The Director-General, in exercising his or her powers under **subsection (1)** or **subsection (3)** of this section, shall have regard to the matters specified in **paragraphs (a) to (c)** of **section 26zzb (3)** of this Act.

25 “(5) A dog control permit issued under this section may allow the dog in respect of which the permit is issued to be used for hunting in a dog control area or in any specified part of a dog control area.

30 “(6) The Director-General may amend or revoke any dog control permit issued under this section.

“**26zze. Persons authorised to take dogs into dog control area without dog control permit—**(1) Any person being—

35 “(a) A member of the Police; or

“(b) A warranted officer; or

“(c) An officer or employee of the Department; or

“(e) A Customs Officer; or

“(e) A search and rescue person,—

40 may, in the course of his or her official duties or in the course of his or her training for those duties and without being the

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holder of a dog control permit, take a dog into a dog control area.

“(2) Any blind or partly blind person who uses a guide dog may, without being the holder of a dog control permit, take that guide dog into a dog control area. 5

“(3) Any person who uses a companion dog may, without being the holder of a dog control permit, take that companion dog into a dog control area.

“~~26ZZF. Seizure and destruction of dogs~~—(1) Any warranted officer who finds a dog in a dog control area, may, unless that dog— 10

“(a) Is in an open dog control area within the dog control area; or

“(b) Is in the dog control area in accordance with a dog control permit issued under ~~section 26ZZD~~; or 15

“(c) Is in the dog control area in accordance with ~~section 26ZZE~~ of this Act,—

seize that dog.

“(2) Where a dog is in a dog control area that is not an open dog control area by virtue of a dog control permit issued under ~~section 26ZZD~~ of this Act, any warranted officer may seize that dog if— 20

“(a) The dog is not in the immediate vicinity of the holder of the permit and the warranted officer has reasonable grounds to believe that there is a significant risk— 25

“(i) Of injury to any person or any protected wildlife; or

“(ii) Of disturbance to any protected wildlife; or

“(b) The holder of the permit is in the immediate vicinity of the dog but the warranted officer has reasonable grounds to believe that the holder of the permit is unwilling or unable to control the dog; or 30

“(c) The dog has caused injury to any person or to any protected wildlife or has killed any protected wildlife. 35

“(3) Where a dog is at large in an open dog control area and, in the opinion of a warranted officer or any other person,—

“(a) Is likely to cause annoyance or distress to any person or animal; or 40

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“(b) Is likely to damage any property in the open dog control area; or

5 “(c) Has caused annoyance or distress to any person or animal; or

“(d) Has damaged any property in the open dog control area,—

that warranted officer or other person may seize that dog.

10 “(4) Where a warranted officer has under any provision of subsections (1) to (3) of this section, power to seize a dog but is of the opinion that it is impracticable or dangerous to do so, that warranted officer may, without any further inquiry, destroy that dog.

15 “26ZZG. **Disposal of seized dogs**—(1) Where a warranted officer or any other person seizes a dog under any provision of section 26ZZF of this Act, that warranted officer or other person may—

“(a) Cause that dog to be returned to its owner; or

20 “(b) Hold the dog in a kennel under the Director-General’s custody; or

“(c) Place the dog in the custody of a territorial authority to be impounded under the Dog Control Act 1994.

25 “(2) Where a dog is held by the Director-General under subsection (1)(b) of this section, the following provisions shall apply:

30 “(a) The Director-General may, in his or her discretion, return the dog to its owner subject to payment by the owner of any charges incurred, unless the Director-General, in his or her discretion, decides to waive or reduce the charges:

“(b) The Director-General or an employee of the Department shall, as soon as practicable after the dog has been seized,—

35 “(i) Give written notice to the nearest territorial authority that the dog has been seized and is held by the Department and shall include in that notice a description of the dog and any other means of identifying it:

40 “(ii) Give written notice to the owner of the dog (where the owner of the dog is known or can reasonably be located) that the dog has been seized

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and that, unless the dog is claimed and any charges paid within 7 days of the receipt of that notice, the dog may be sold, destroyed, otherwise disposed of in such manner as the Director-General thinks fit; and after the expiry of that period the Director-General may so dispose of the dog:

“(c) Where the owner of the dog is not known and cannot be identified, the Director-General may, after the expiry of 7 days after the date of the seizure of the dog, sell, destroy, or otherwise dispose of the dog in such manner as the Director-General thinks fit:

“(d) The sale, destruction, or other disposal of a dog under these provisions shall not relieve any former owner of the dog of the liability to pay any fees incurred in respect of the dog’s seizure, sustenance, and holding.

“(3) Where a dog that is not registered under the Dog Control Act 1994 but ought to be so registered is held by the Department under subsection (1) (b) of this section, no offence is committed against section 70 of that Act by the person holding the dog under subsection (1) (b) of this section.

“(4) Nothing in section 96 of the Dog Control Act 1994 affects or limits the provisions of this section.

“26ZZH. **Supply of information in relation to ownership of dogs**—No employee of the Department shall disclose, otherwise than in accordance with this section, information given to a territorial authority under section 26ZZG (2) (b) (i) of this Act and which—

“(a) Identifies, or will assist any person to identify the name and address of the registered owner of any specified dog; or

“(b) Identifies, or will assist any person to identify, the address at which the specified dog is ordinarily kept.

“(2) Where—

“(a) Any member of the Police; or

“(b) Any officer of the Department; or

“(c) Any territorial authority; or

“(d) Any society established for the prevention of cruelty to animals or for animal welfare purposes; or

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“(e) Any inspector under the Animals Protection Act 1960;
or

5 “(f) Any registered veterinary surgeon,—
requests, for any lawful purpose, any information of the kind
described in subsection (1) of this section which is held by the
Department, the Department shall comply with the request.

10 “26ZZI. **Recovery of costs relating to dogs**—(1) The
reasonable costs of the seizure, holding, maintaining, or
destruction of a dog under this Part of this Act shall constitute
a debt due to the Crown by the owner of the dog and, subject
to subsection (2) of this section, shall be recoverable by the
Director-General from the owner of the dog.

15 “(2) The Director-General may, in the Director-General’s
absolute discretion, refund or waive payment of all or any part
of any sum paid or required to be paid pursuant to this section.

20 “26ZZJ. **Offences**—Every person commits an offence
against this Act and is liable on summary conviction to
imprisonment for a term not exceeding 12 months or to a fine
not exceeding \$10,000 or to both who,—

25 “(a) Being the owner of a dog or a person in charge of a dog,
allows that dog, in contravention of section 26ZZC of
this Act, to enter or remain in any part of a dog
control area that is not part of an open dog control
area; or

30 “(b) Being the holder of a dog control permit issued to that
person under section 26ZZD of this Act, takes any dog
to which that permit relates into any part of the dog
control area that is not part of an open dog control
area otherwise than in accordance with the
conditions of that permit; or

35 “(c) Being the owner of a dog or a person in charge of a dog,
fails to keep under his or her immediate or
apparent control a dog that he or she has taken into
an open dog control area.

40 “26ZZK. **Power of warranted officer to request
information**—(1) Any warranted officer may, for the
purposes of dog control in any dog control area, request any
person who is in that dog control area and who appears to be
in charge of any dog to state his or her own name, address,
and date of birth, and where that person claims not to be the

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owner of the dog, to state the name and address of the owner of the dog.

“(2) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$1,500 who, without reasonable excuse, fails or refuses to comply with any lawful request under **subsection (1)** of this section, or wilfully states a false name or address or date of birth in response to such a request. 5

“(3) Any warranted officer who is a constable and who— 10

“(a) Has reasonable grounds to believe that an offence against **subsection (2)** of this section has been committed by any person; and

“(b) Has warned that person of the provisions of this subsection; and 15

“(c) Has reasonable grounds to believe that a further offence against **subsection (2)** of this section has been committed by that person subsequent to the warning,—

may arrest that person without a warrant. 20

“**26ZZL. No liability where dog wounded in attempt to destroy**—(1) No person who is entitled under this Act to destroy any dog, and who does so in a reasonable manner or who wounds or maims the dog in the course of attempting to so destroy it, shall be under any criminal or civil liability for the injury done to the dog or its death. 25

“(2) Nothing in **subsection (1)** of this section shall apply to any person who wounds or maims a dog in the course of attempting to destroy it and does not take all reasonable steps to terminate its suffering. 30

Cf. 1982, No. 42, s. 81

“**26ZZM. Limitation of liability for damage**—No warranted officer shall be liable for any loss or damage caused to the owner of any dog or other property or land that is necessitated by the due administration of this Act.” 35

Cf. 1982, No. 42, s. 82

111. Hunting, etc.—Section 38 (4) of the principal Act is hereby amended by inserting, after the words “subsection (1) of this section”, the words “or **section 26ZZD** of this Act”.

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5 **112. Strict liability**—Section 43B (1) of the principal Act (as inserted by section 25 of the Conservation Law Reform Act 1990) is hereby amended by inserting, after the expression “Part VB”, the expression “or Part Vc”.

PART III

AMENDMENTS TO CONSERVATION ACT 1987

10 **108. This Part to be read with Conservation Act 1987**—
(1) This Part of this Act shall be read together with and deemed part of the Conservation Act 1987* (in this Part of this Act referred to as the principal Act).

(2) This Part of this Act shall come into force on the date on which this Act receives the Royal assent.

New

15 **109. Interpretation**—(1) Section 2 (1) of the principal Act is hereby amended by inserting in their appropriate alphabetical order the following definitions:

20 “‘Companion dog’ means a dog certified by the Top Dog Companion Trust as being a companion dog or a dog under training as a companion dog:

“‘Controlled dog area’ means any area declared, by notice published in the *Gazette* under **section 26zs** of this Act, to be a controlled dog area:

25 “‘Day’ means a period of 24 hours beginning at midnight and ending with the following midnight:

“‘Guide dog’ means a dog certified by the Royal New Zealand Foundation for the Blind as being a guide dog or a dog under training as a guide dog:

30 “‘Open dog area’ means any area declared, by notice published in the *Gazette* under **section 26zs** of this Act, to be an open dog area:

“‘Owner’, in relation to any dog, means every person who—

35 “(a) Owns the dog; or
“‘(b) Has the dog in his or her possession, whether the dog is at large or in confinement, otherwise than

*1987, No. 65

Amendments: 1988, No. 131; 1988, No. 237; 1990, No. 106; 1993, No. 9; 1993, No. 97

New

for a period not exceeding 72 hours for the purpose of preventing the dog causing injury, damage, or distress, or for the sole purpose of restoring a lost dog to its owner; or

(c) The parent or guardian of a person under the age of 16 years who—

(i) Is the owner of the dog pursuant to paragraph (a) or paragraph (b) of this definition; and

(ii) Is a member of the parent's or guardian's household living with and dependent on the parent or guardian;—

but does not include any person who has seized or taken custody of the dog under this Act or the Animals Protection Act 1960 or the National Parks Act 1980 or the Dog Control Act 1995 or any order made under the Dog Control Act 1995 or the Animals Protection Act 1960:

“Protected wildlife’ means—

(a) Any animal for the time being absolutely protected pursuant to section 3 of the Wildlife Act 1953:

(b) Any animal for the time being partially protected pursuant to section 5 of the Wildlife Act 1953, other than such an animal in circumstances in which that animal may be hunted or killed under the authority of subsection (2) of that section:

(c) Any animal that is a marine mammal within the meaning of the Marine Mammals Protection Act 1978:

“Protected wildlife vulnerable to dogs’ means—

(a) Any flightless protected wildlife:

(b) Any limited-flight protected wildlife:

(c) Any protected wildlife that nests (including moulting or breeding), or roosts, upon or in close proximity to the ground:

(d) Any protected wildlife that feeds upon or in close proximity to the ground:

(e) Any animal that is a marine mammal within the meaning of the Marine Mammals Protection Act 1978.”

New

(2) Section 2 (1) of the principal Act is hereby further amended by repealing the definition of the term “warranted officer”, and substituting the following definition:

5 “Warranted officer’ means a person—

“(a) Who—

“(i) Is a warranted officer appointed under section 59 of this Act; or

10 “(ii) Is a person deemed by section 59 (2) or section 59 (9) of this Act to be a warranted officer for the purposes of this Act; and

15 “(b) Is acting on or in respect of any matter or thing arising, situated, or formerly situated in the district, area, or areas for which the person is appointed or is deemed to be a warranted officer.”.

110. **New Part Vc**—The principal Act is hereby amended by inserting, after Part Vb (as inserted by section 17 of the Conservation Law Reform Act 1990), the following Part:

“PART Vc

“CONTROL OF DOGS

20 “26zs. **Controlled dog areas and open dog areas**—

(1) Subject to **sections 26zt to 26zzf** of this Act, the Minister may from time to time, by notice in the *Gazette*, declare any part or parts of the land managed and administered by the Minister or Department under any of the following Acts, namely,—

25 “(a) The Foreshore and Seabed Endowment Revesting Act 1991:

“(b) The Reserves Act 1977:

“(c) The Sugar Loaf Islands Marine Protected Area Act 1991:

30 “(d) The Waitangi Endowment Act 1932–1933:

“(e) The New Zealand Walkways Act 1990:

“(f) The Wildlife Act 1953:

“(g) This Act,—

to be either a controlled dog area or an open dog area.

35 “(2) The Minister may from time to time, by notice in the *Gazette*, amend or revoke any notice under this section or, subject to **section 26zx** of this Act, amend or revoke any conditions imposed under **section 26zu (c)** of this Act.

New

“26ZT. Areas excluded from open dog areas—An open dog area may not include—

“(a) Any part of an area declared under section 18 of this Act to be held for the purpose of a wilderness area, an ecological area, or a sanctuary area or for 2 or more of those purposes; or

“(b) Any part of a reserve classified—

“(i) Under section 13 of the Reserves Act 1977 as a national reserve; or

“(ii) Under section 19 of the Reserves Act 1977 as a scenic reserve; or

“(iii) Under section 20 of the Reserves Act 1977 as a nature reserve; or

“(iv) Under section 21 of the Reserves Act 1977 as a scientific reserve; or

“(c) Any part of a reserve set apart under section 47 of the Reserves Act 1977 as a wilderness area; or

“(d) Any part of the Protected Area defined by the Sugar Loaf Islands Marine Protected Area Act 1991; or

“(e) Any part of an area declared—

“(i) Under section 9 of the Wildlife Act 1953 to be a wildlife sanctuary; or

“(ii) Under section 14 of the Wildlife Act 1953 to be a wildlife refuge; or

“(iii) Under section 14A of the Wildlife Act 1953 to be a wildlife management reserve.

“26ZU. Matters that may be included in declarations of controlled dog areas or open dog areas—The Minister may, in any notice published under section 26ZS of this Act,—

“(a) Assign a name to any controlled dog area or open dog area:

“(b) Define the boundaries of any controlled dog area or open dog area:

“(c) Impose conditions in relation to access to, and control of dogs in, any controlled dog area or any open dog area:

“(d) Specify the times of day and periods of the year when a controlled dog area may be open to dogs:

New

“(e) Describe the area of any controlled dog area or open dog area and define the boundaries of any such area by one or more of the following methods:

5 “(i) By reference to any plan lodged in the Office of the Chief Surveyor and approved by the Chief Surveyor:

“(ii) By reference to any plan certified as correct for the purposes of section 62 of this Act:

10 “(iii) By reference to any existing survey:

“(iv) In accordance with standards agreed from time to time by the Director-General and the Chief Surveyor or Surveyor-General, as the case may be:

15 “(v) By reference to any description or plan or both included in any conservation management strategy either notified or approved under section 17F of this Act:

20 “(vi) By any description which is referenced to a map held by the Director-General and which, in the Minister’s opinion, will adequately identify the area and its boundary:

“(viii) By reference to any description or plan in any relevant *Gazette* notice.

25 “26zv. **Matters about which Minister must be satisfied**—The Minister shall not publish a notice under section 26zs of this Act in respect of any land unless the Minister is satisfied—

30 “(a) That the declaration of that land as a controlled dog area or an open dog control area is consistent with—

“(i) The ~~((purpose))~~ purposes for which the land is held; and

35 “(ii) Where the land is part of a conservation area, the management objectives of the conservation area as set out in the relevant conservation management strategy or conservation management plan; and

“(b) That, in any case where the land is to be declared to be an open dog area, the declaration of the land as an open dog area, with or without conditions,—

40 “(i) Will not result in any significant risk of injury to or disturbance of protected wildlife vulnerable to

New

dogs known by the Minister to be present, or, by reason of the habitat or source of food that the land provides, to be likely to be present, on the land; and

“(ii) Is consistent with any plans to reintroduce protected wildlife vulnerable to dogs onto the land. 5

“26ZW. **Matters to be taken into account in relation to declaration**—The Minister shall, in deciding whether to publish a notice under section 26zs of this Act in respect of any land that is part of a conservation area, take account of— 10

“(a) The purposes for which the land is held:

“(b) The provisions of any relevant—

“(i) Statement of general policy; or

“(ii) Conservation management strategy; or

“(iii) Conservation management plan: 15

“(c) Where any protected wildlife vulnerable to dogs is present, or, by reason of the habitat or source of food that the land provides, is likely to be present, on or in the vicinity of the land, the actual or potential risk of injury to, or disturbance of, that wildlife: 20

“(d) The proximity of the land to urban centres, and the history and potential of the land as a recreation opportunity for people with dogs:

“(e) The range and variety of other public places which are available for recreational use by people with dogs and which have traditionally been so used by people with dogs who might use the land were it declared to be a controlled dog area or an open dog area((.)); 25

New

30

“(f) Any adverse effects on recreational use and enjoyment by people without dogs that might result from the use of the land ((*in*)) as a controlled dog area or an open dog area.

“26ZX. **Matters relevant to determination of conditions**—The Minister, in determining the conditions to be included in any notice published under section 26zs of this Act 35

New

in relation to any land, shall have regard, among other things, to—

5 “(a) Any actual or potential risk to protected wildlife vulnerable to dogs that is present, or, by reason of the habitat or source of food that the land provides, is likely to be present on or in the vicinity of the land:

“(b) The purposes for which the land is held:

10 “(c) The provisions of any relevant statement of general policy, conservation management strategy, or conservation management plan:

“(d) The need to preserve the safety of members of the public who are likely to be on the land or in the vicinity of the land:

15 “(e) Any conflict between—

“(i) Dogs or people with dogs; and

“(ii) Other users of the land—

that may or will occur on the land in relation to the use of the land.

20 “26ZY. **Preparation of discussion document**—Where the Minister proposes the establishment of a controlled dog area or an open dog area or both, the Minister shall forthwith prepare, after consultation with the appropriate conservation boards, regional councils, territorial authorities, iwi authorities, fish and game councils, and such other persons or organisations as the Minister thinks appropriate, a discussion document that shall—

30 “(a) Define the boundaries of the proposed controlled dog area or open dog area:

“(b) State the name of the proposed controlled dog area or open dog area:

35 “(c) Identify the protected wildlife vulnerable to dogs known to be, or likely to be, in the area and the periods of the day or the periods of the year at which such protected wildlife is likely to be present:

40 “(d) Where there are periods of the day or periods of the year at which protected wildlife vulnerable to dogs is known to be in the area, or, by reason of the habitat or source of food the land provides, is likely to be in the area,—

New

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| “(i) Specify either generally or in relation to specified parts of the land (including the marginal strips), the periods of the day or the periods of the year at which dogs should, due to the presence or likely presence throughout the year of protected wildlife vulnerable to dogs, either not be allowed at any time or should be controlled; or | 5 |
| “(ii) Specify areas that, due to the presence or likely presence at certain periods of the day or certain periods of the year of protected wildlife vulnerable to dogs, may be open only for specified periods of the day or specified periods of the year: | 10 |
| “(e) Specify the conditions that appear appropriate in relation to access to, and control of dogs in, any open dog area or controlled dog area. | 15 |
| “ 26zz. Notification of discussion document —(1) The discussion document shall be publicly notified by the Minister in accordance with section 49 (1) of this Act. | |
| “(2) In addition, the Minister shall serve copies of the discussion document on the appropriate regional councils, territorial authorities, and iwi authorities. | 20 |
| “(3) The notice under subsection (1) of this section shall— | |
| “(a) State that the discussion document is available for inspection at the places and times specified in the notice; and | 25 |
| “(b) Call upon persons or organisations interested to lodge with the Director-General submissions on the discussion document before the date specified in that behalf in the notice, being a date not less than 40 working days after the date of publication of the notice. | 30 |
| “ 26ZZA. Inspection of discussion document —From the date of public notification of a discussion document until the end of the period specified in the notice published under section 26zz of this Act, the Director-General shall make the discussion document available for public inspection during normal office hours, in such places and quantities as are likely to encourage public participation. | 35 |
| “ 26ZZB. Submissions on discussion document —Any person or organisation may make written submissions to the | 40 |

New

Director-General on the discussion document at the place and before the date specified in that behalf in the notice.

5 “26zzc. **Hearing of submissions**—(1) The Director-General shall give every person or organisation who or which, in making any submissions on the discussion document, asked to be heard in support of his or her or its submissions a reasonable opportunity of appearing before a representative or representatives of the Director-General.

10 “(2) Any representative or representatives of the Director-General may hear submissions from any other person or organisation consulted on the discussion document.

15 “26zzd. **Summary of submissions**—The Director-General shall prepare a summary of the submissions received on the discussion document.

20 “26zze. **Recommendation of Director-General**—(1) The Director-General shall, after considering such submissions and public opinion and having regard to the views of the relevant Conservation Boards and fish and game councils, revise the discussion document and any recommendations contained in the discussion document and send it to the Minister for approval.

“(2) The Minister shall—

“(a) Approve the recommendations; or

25 “(b) Approve the recommendations with such changes as the Minister considers appropriate; or

“(c) Decline to approve the recommendations.

30 “26zzf. **Issue of notice**—Where the Director-General recommends the publication of a notice under section 26zs of this Act, the Minister,—

“(a) If he or she is satisfied about the matters specified in section 26zt of this Act; and

“(b) If he or she has taken into account the matters specified in section 26zu of this Act; and

35 “(c) If he or she in fixing any conditions has had regard to the matters specified in section 26zv of this Act,—
may approve the recommendation, with or without changes, and may publish in the *Gazette* a notice under section 26zs of this Act.

New

- “26zzg. **Restrictions on access to controlled dog area**—
 Except as provided in sections 26zzh and 26zzi of this Act, no
 person, being an owner of a dog or a person in charge of a
 dog, shall allow that dog to enter or remain in any part of a
 controlled dog area. 5
- “26zzh. **Dog control permits**—(1) Subject to section 26zzi of
 this Act, the Director-General may from time to time issue in
 respect of any dog a dog control permit allowing the owner or
 any other person in charge of that dog to take that dog into
 any controlled dog area specified in the permit. 10
- “(2) Without limiting the generality of subsection (1) of this
 section, it is hereby declared that the Director-General may
 refuse to issue a dog control permit if the permit is sought—
- “(a) In relation to a dog that is classified as a dangerous dog
 under section 60 of the Dog Control Act 1995 or is not
 registered under that Act; or 15
- “(b) By a person who is—
- “(i) A person classified under section 51 (1) of the Dog
 Control Act 1995 as a probationary owner; or 20
- “(ii) A person disqualified under section 54 of the
 Dog Control Act 1995 from being the owner of any dog;
 or
- “(iii) A person who has been convicted of an
 offence under the Dog Control and Hydatids Act 1982; or 25
- “(iv) A person who has been convicted of an
 offence against section 26zzp or section 226zqo of this Act
 or section 56h of the National Parks Act 1980; or
- “(v) A person who has been convicted of an
 offence against the Wildlife Act 1953, the Marine
 Mammals Protection Act 1978, or the Trade in
 Endangered Species Act 1989 or any regulations
 made under any of those Acts. 30
- “(3) Every dog control permit issued under subsection (1) of this
 section shall be subject to— 35
- “(a) The condition that the holder carry the permit on his or
 her person whenever the holder is in a controlled
 dog area and is accompanied by the dog; and
- “(b) Such other conditions as the Director-General thinks fit
 to impose. 40

New

“(4) Every dog control permit issued under subsection (1) of this section shall state the activity and purpose for which it is issued.

5 “**26ZZI. Requirements in relation to dog control permits**—(1) The Director-General, in exercising his or her powers under subsection (1) or subsection (3) (b) of section 26ZZH of this Act shall have regard to the matters specified in sections 26ZV to 26ZX of this Act.

10 “(2) The Director-General shall not issue a dog control permit under section 26ZZH (1) of this Act unless he or she is satisfied—

“ (a) That a dog is essential for the proposed activity; and

“ (b) That the proposed activity—

15 “(i) Is lawful; and

 “(ii) Is not inconsistent with the purposes for which the land is held or any relevant conservation management strategy or conservation management plan.

20 “**26ZZJ. Power to amend or revoke dog control permit**—The Director-General may amend or revoke any dog control permit issued under section 26ZZH (1) of this Act.

25 “**26ZZK. Persons authorised to take dogs into controlled dog area without dog control permit**—(1) Any person being—

“ (a) A member of the Police; or

“ (b) A warranted officer; or

“ (c) An officer or employee of the Department; or

“ (d) A Customs Officer; or

30 “ (e) A search and rescue person,—
may, in the course of his or her official duties or in the course of his or her training for those duties and without being the holder of a dog control permit, take a dog into a controlled dog area.

35 “(2) Any blind or partly blind person who uses a guide dog may, without being the holder of a dog control permit, take that guide dog into a controlled dog area.

40 “(3) Any person who uses a companion dog may, without being the holder of a dog control permit, take that companion dog into a controlled dog area.

New

“26ZZL. **Seizure and destruction of dogs**—(1) Any warranted officer who finds a dog in a controlled dog area, may, unless that dog—

“(a) Is in the controlled dog area in accordance with a dog control permit issued under **section 26ZZH(1)** of this Act; or 5

“(b) Is in the controlled dog area in accordance with **section 26ZZK** of this Act,—
seize the dog. 10

“(2) Where a dog is in a controlled dog area by virtue of a dog control permit issued under **section 26ZZH(1)** of this Act, any warranted officer may seize that dog if—

“(a) The dog is not in the immediate vicinity of the holder of the permit and the warranted officer has good cause to suspect that there is a significant risk— 15

“(i) Of injury to any person or any protected wildlife; or

“(ii) Of disturbance to any protected wildlife; or

“(b) Any condition, being a condition imposed under **section 26ZU(c)** of this Act in relation to the controlled dog area or a condition of the permit, is not being observed in relation to the dog; or 20

“(c) The holder of the permit is in the immediate vicinity of the dog but the warranted officer has good cause to suspect that the holder of the permit is unwilling or unable to control the dog; or 25

“(d) The dog has caused injury to any person or to any protected wildlife or has killed any protected wildlife. 30

“(3) Where a dog is at large in an open dog area and, a warranted officer or any other person, has good cause to suspect—

“(a) That any condition imposed under **section 26ZU(c)** of this Act in relation to the open dog area is not being observed in relation to that dog; or 35

“(b) That dog is likely to cause annoyance or distress to any person or animal; or

“(c) That dog is likely to damage any property in the open dog area; or 40

“(d) That dog has caused annoyance or distress to any person or animal; or

New

“(e) That dog has damaged any property in the open dog area; or

“(f) That dog has caused injury to any person or to any protected wildlife or has killed any protected wildlife,—

that warranted officer or other person may seize that dog.

“(4) Where a warranted officer has, under any provision of subsections (1) to (3) of this section, power to seize a dog but is of the opinion that it is impracticable or dangerous to do so, that warranted officer may, without any further inquiry, destroy that dog.

“26ZM. **Disposal of seized dog**—(1) Where a warranted officer or any other person seizes a dog under any provision of section 26ZZL of this Act, that warranted officer or other person may—

“(a) Cause that dog to be returned to its owner; or

“(b) Hold the dog in a kennel under the Director-General’s custody; or

“(c) Place the dog in the custody of a territorial authority to be impounded under section 96 of the Dog Control Act 1995.

“(2) Where a dog is held by the Director-General under subsection (1)(b) of this section, the following provisions shall apply:

“(a) The Director-General may, in his or her discretion return the dog to its owner subject to payment by the owner of any charges incurred, unless the Director-General, in his or her discretion, decides to waive or reduce the charges:

“(b) The Director-General or an employee of the Department shall, as soon as practicable after the dog has been seized,—

“(i) Give written notice to the nearest territorial authority that the dog has been seized and is held by the Department and shall include in that notice a description of the dog and any other means of identifying it:

“(ii) Give written notice to the owner of the dog (where the owner of the dog is known or can reasonably be located) that the dog has been seized

New

and that, unless the dog is claimed and any charges paid within 7 days of the receipt of that notice, the dog may be sold, destroyed, or otherwise disposed of in such manner as the Director-General thinks fit; and after the expiry of that period the Director-General may so dispose of the dog:

“(c) Where the owner of the dog is not known and cannot be identified, the Director-General may, after the expiry of 7 days after the date of the seizure of the dog, sell, destroy, or otherwise dispose of the dog in such manner as the Director-General thinks fit:

“(d) The sale, destruction, or other disposal of a dog under these provisions shall not relieve any former owner of the dog of the liability to pay any fees incurred in respect of the dog’s seizure, sustenance, and holding.

“(3) Where a dog which is not registered under the **Dog Control Act 1995** but which ought to be so registered is held by the Department under **subsection (1) (b)** of this section, no offence is committed against **section 70** of that Act by the person holding the dog under **subsection (1) (b)** of this section.

“(4) Except as provided in **subsection (1) (c)** of this section, nothing in **section 96** of the **Dog Control Act 1995** affects or limits the provisions of this section.

“**26ZZN. Supply of information in relation to ownership of dogs**—(1) No employee of the Department shall disclose, otherwise than in accordance with this section, information which is given to a territorial authority under **section 26ZZM (2) (b) (i)** of this Act and which—

“(a) Identifies, or will assist any person to identify, the name and address of the registered owner of any specified dog; or

“(b) Identifies, or will assist any person to identify, the address at which the specified dog is ordinarily kept.

(2) Where—

“(a) Any member of the Police; or

“(b) Any officer of the Department; or

“(c) Any territorial authority; or

“(d) Any society established for the prevention of cruelty to animals or for animal welfare purposes; or

New

“(e) Any inspector under the Animals Protection Act 1960;
or

“(f) Any registered veterinary surgeon,—
5 requests, for any lawful purpose, any information of the kind
described in subsection (1) of this section which is held by the
Department, the Department shall comply with the request.

“26zzo. **Recovery of costs relating to dogs**—(1) The
10 reasonable costs of the seizure, holding, maintaining, or
destruction of a dog under this Part of this Act shall constitute
a debt due to the Crown by the owner of the dog and, subject
to subsection (2) of this section, shall be recoverable by the
Director-General from the owner of the dog.

“(2) The Director-General may, in the Director-General’s
15 absolute discretion, refund or waive payment of all or any part
of any sum paid or required to be paid under this section.

“26zzp. **Offences**—Every person commits an offence
against this Act and is liable on summary conviction to
20 imprisonment for a term not exceeding 12 months or to a fine
not exceeding \$10,000 or to both who,—

“(a) Being the owner of a dog or a person in charge of a dog,
allows that dog, in contravention of section 26zzg of
this Act, to enter or remain in any part of a
controlled dog area; or

25 “(b) Being the holder of a dog control permit issued to that
person under section 26zzh(1) of this Act, takes any
dog to which that permit relates into any part of the
controlled dog area otherwise than in accordance
with the conditions of that permit; or

30 “(c) Being the owner of a dog or a person in charge of a dog,
fails to keep under his or her immediate or
apparent control a dog that he or she has taken into
a controlled dog area; or

35 “(d) Being the owner or a person in charge of a dog, fails, in
relation to any controlled dog area or open dog
area, to comply with any condition imposed under
section 26zu(c) of this Act in relation to that controlled
dog area or open dog area.

40 “26zzq. **Dogs causing serious injury to protected
wildlife**—(1) The owner of any dog that, in any controlled dog

New

area or open dog area, attacks any protected wildlife and causes—

“(a) The death of any protected wildlife; or

“(b) Such injury to any protected wildlife that it becomes necessary to destroy the animal to terminate its suffering,— 5

commits an offence and is liable on summary conviction to imprisonment for a term not exceeding 12 months or a fine not exceeding \$10,000, or both, and the Court shall, on convicting the owner, make an order for the destruction of the dog unless satisfied that the circumstances of the attack were exceptional and do not justify destruction. 10

“26ZZR. Power of warranted officer to request information—(1) Any warranted officer may, for the purposes of dog control in any controlled dog area, request any person who is in that controlled dog area and who appears to be in charge of any dog to state his or her own name, address, and date of birth, and, where that person claims not to be the owner of the dog, to state the name and address of the owner of the dog. 15 20

“(2) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$1,500 who, without reasonable excuse, fails or refuses to comply with any lawful request under subsection (1) of this section, or wilfully states a false name or address or date of birth in response to such a request. 25

“(3) Any warranted officer who is a constable and who—

“(a) Has good cause to suspect that an offence against subsection (2) of this section has been committed by any person; and 30

“(b) Has warned that person of the provisions of this subsection; and

“(c) Has good cause to suspect that a further offence against subsection (2) of this section has been committed by that person subsequent to the warning,— 35

may arrest that person without a warrant.

“26ZZS. No liability where dog wounded in attempt to destroy—(1) No person who is entitled under this Act to destroy any dog, and who does so in a reasonable manner or who wounds or maims the dog in the course of attempting to 40

New

so destroy it, shall be under any criminal or civil liability for the injury done to the dog or for its death.

“(2) Nothing in **subsection (1)** of this section shall apply to any person who wounds or maims a dog in the course of attempting to destroy it and does not take all reasonable steps to terminate its suffering.

Cf. 1982, No. 42, s. 81

“**26zzt. Limitation of liability for damage**—No warranted officer shall be liable for any loss or damage caused to the owner of any dog or other property or land that is necessitated by the due administration of this Act.”

Cf. 1982, No. 42, s. 82

111. Hunting, etc.—Section 38 (4) of the principal Act is hereby amended by inserting, after the words “subsection (1) of this section”, the words “or **section 26zzh** of this Act”.

111A. Evidence in proceedings—The principal Act is hereby amended by repealing section 43A (as inserted by section 25 of the Conservation Law Reform Act 1990), and substituting the following section:

“43A. (1) Subject to **subsections (3) and (4)** of this section, in any proceedings in respect of an offence against any provision of Part VB or Part Vc of this Act or of any regulation made under section 48A of this Act, a certificate purporting to be signed by the Director-General or any officer authorised by the Director-General for that purpose to the effect that, on a date specified in the certificate, the defendant or other named person was not the holder of a fishing permit or dog control permit, as the case may be, shall, in the absence of proof to the contrary, be sufficient evidence of the matter stated in the certificate.

“(2) A copy of any licence or document granted or issued under this Act which is certified correct by the Director-General, or any officer of the Department duly authorised by the Director-General in that behalf, shall be sufficient, in the absence of proof to the contrary, to prove that licence or other document.

“(3) The production of any certificate or copy of any document for the purpose of this section purporting to be signed by any person authorised under this section to sign it

New

shall be prima facie evidence of the certificate or copy without proof of the signature of the person appearing to have signed it.

“(4) The production of any certificate or copy of any document signed by the Director-General and certifying that the land upon which any offence is alleged to have taken place was included within a controlled dog area or an open dog area, as the case may be, shall be sufficient evidence that the land was within a controlled dog area or an open dog area, as the case may be.”

112. Strict liability—Section 43B (1) of the principal Act (as inserted by section 25 of the Conservation Law Reform Act 1990) is hereby amended by inserting, after the expression “Part VB”, the expression “or Part Vc”.

Amendment to Waitangi Endowment Act 1932–33

112A. Control of dogs—The Waitangi Endowment Act 1932–33 is hereby amended by inserting, after section 8, the following section:

“9. Nothing in this Act derogates from the provisions of Part Vc of the Conservation Act 1987, which provides for the control of dogs and which authorises the declaration as either a controlled dog area or an open dog area of any part or parts of the said lands.”

Amendment to Wildlife Act 1953

112B. Control of dogs—The Wildlife Act 1953 is hereby amended by inserting, after section 71, the following section:

“71A. (1) Nothing in this Act derogates from the provisions of Part Vc of the Conservation Act 1987, which provides for the control of dogs and which, subject to section 26ZT (e) of that Act, authorises the declaration as either a controlled dog area or an open dog area of any part or parts of any land managed and administered under this Act by the Minister of Conservation or the Department of Conservation.

“(2) Section 26ZT (e) of the Conservation Act 1987 provides that an open dog area may not include any part of any area declared under section 9 of this Act to be a wildlife sanctuary or declared under section 14 of this Act to be a wildlife refuge

New

or declared under section 14A of this Act to be a wildlife management reserve.”

Amendment to Reserves Act 1977

112c. Control of dogs—The Reserves Act 1977 is hereby amended by inserting, after section 122, the following section:

“122A. (1) Nothing in this Act derogates from the provisions of **Part Vc** of the Conservation Act 1987, which provides for the control of dogs and which, subject to **paragraphs (b) and (c) of section 26zr** of that Act, authorises the declaration as either a controlled dog area or an open dog area of any part or parts of any land managed and administered under this Act by the Minister of Conservation or the Department of Conservation.

“(2) **Paragraphs (b) and (c) of section 26zr** of the Conservation Act 1987 provide that an open dog area may not include—

“(a) Any part of a reserve classified—

“(i) Under section 13 of this Act as a national reserve; or

“(ii) Under section 19 of this Act as a scenic reserve; or

“(iii) Under section 20 of this Act as a nature reserve; or

“(iv) Under section 21 of this Act as a scientific reserve; or

“(b) Any part of a reserve set apart under section 47 of this Act as a wilderness area.”

Amendment to New Zealand Walkways Act 1990

112d. Control of dogs—The New Zealand Walkways Act 1990 is hereby amended by inserting, after section 29, the following section:

“29A. Nothing in this Act derogates from the provisions of **Part Vc** of the Conservation Act 1987, which provides for the control of dogs and which authorises the declaration as either a controlled dog area or an open dog area of any part or parts of any walkway controlled and administered under this Act by the Minister or the Department of Conservation.”

New

*Amendment to Sugar Loaf Islands Marine Protected Area Act
1991*

112E. Control of dogs—The Sugar Loaf Islands Marine Protected Area Act 1991 is hereby amended by inserting, after section 10, the following section: 5

“10A. (1) Nothing in this Act derogates from the provisions of Part Vc of the Conservation Act 1987, which provides for the control of dogs and which, subject to section 26zr (d) of that Act, authorises the declaration as either a controlled dog area or an open dog area of any part or parts of any land managed and administered under this Act by the Minister or the Department of Conservation. 10

“(2) Section 26zr (d) of the Conservation Act 1987 provides that an open dog area may not include any part of the Protected Area.” 15

*Amendment to Foreshore and Seabed Endowment Revesting Act
1991*

112F. Control of dogs—The Foreshore and Seabed Endowment Revesting Act 1991 is hereby amended by inserting, after section 13, the following section: 20

“13A. Nothing in this Act derogates from the provisions of Part Vc of the Conservation Act 1987, which provides for the control of dogs and which authorises the declaration as either a controlled dog area or an open dog area of any part or parts of any land managed or administered under this Act by the Minister.” 25